

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A) For Other Than Full and Open Competition (>SAT)

Acquisition Plan Action ID: VA701-18-AP-0407

1. **Contracting Activity:** The contracting activity for this requirement is the Department of Veteran Affairs (VA), Veterans Health Administration (VHA), Program Contracting Activity Central (PCAC), on behalf of National Center for Organization Development (NCOD).
2. **Nature and/or Description of the Action Being Processed:**

This justification is in support of a Firm Fixed Price (FFP) contract with Advanced Survey Design for BPTW survey, a Vendor Information Page (VIP) Verified SDVOSB. The Best Places To Work survey (BPTW) will be administered for a 2 week period during 3 of the 4 quarters each fiscal year. For FY18 the contractor will need to assist in the administration for Q4. In subsequent option years the contractor will need to assist in the administration of the BPTW on three (3) different occasions/three (3) quarters; however, during the quarter in which the All Employee Survey (AES) is administered contractor assistance will not be required.

Base year plus 4 (12) month option periods

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is being conducted in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

The contractor shall provide all services necessary for supporting a successful BPTW Survey administration:

- Creation of a web link for respondents to complete the survey.
- Data collection for the web link should have the capability to capture data at various levels (organizational hierarchy and demographic questions).
- Development of two quick counts links that can capture response rates (in real time) down to the facility/office level and potentially the work group level. One quick counts link will adhere to a response threshold decided by VA so the number of responses and response rates will not be provided until the threshold is met. The other quick counts link will not adhere to this threshold so number of responses and response rates will be provided regardless of the number of responses.

VHAPM Part 819.7007/7008 Sole Source Awards to a Verified Service-Disabled Veteran-owned Small Business/Veteran-owned Small Business

- One final data file that provides VA with all the collected raw data for the survey administration.

The period of performance for this contract is estimated to be for twelve (12) months, plus four (4) 12 month option periods.

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(5), 38 U.S. Code § 8127, as implemented by FAR 6.302-5 (Authorized or Required by Statute). COs may use the non-competitive (sole source) procedures authorized in VAAR 819.7007 or 819.7008 up to \$5,000,000. Check the specific VAAR clause used below:

- (x) 819.7007 Sole source awards to a verified service-disabled veteran-owned small business; or
- () 819.7008 Sole source awards to a verified veteran-owned small business

5. **Demonstration that the Contractor's Unique Qualifications and/or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

In accordance with VAAR 819.7007 the VA has the statutory authority to award sole source to a verified Service-Disabled Veteran-Owned Small Business (SDVOSB) using procedures other than competitive procedures given the following:

38 U.S.C 8127(c) states, in part, "...a contracting officer at the Department may award a contract to a small business concern owned and controlled by Veterans using procedures other than competitive procedures if –

- 1) Such concern is determined to be a responsible source with respect to performance of such contract opportunity;
- 2) The anticipated award price of the contract (including options) will exceed the simplified acquisition threshold but will not exceed \$5,000,000.
- 3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

The IGCE for this effort (including options) does not exceed \$5,000,000.00.

The implementing regulations at VAAR 819.7007 (b) & (c) [DEVIATION] state in part:

- a) "The Contracting Officer's determination whether to make a sole source award is a business decision wholly within the discretion of the contracting officer..."
- b) "A determination that only one SDVOSB can meet the requirement is not required..."

The proposed source for this acquisition is Advanced Survey Design, LLC of 1193 Tenth Street, STE A Monterey, CA 93940, a registered and verified SDVOSB by VA Center for Verification and Evaluation (CVE). ASD, LLC is technically qualified through experience providing Surveys for NCOD. ASD, LLC has the necessary capabilities to meet all of the Government's requirements for this requirement

and possesses the application knowledge and technical expertise required to complete this project within the established schedule provided by the Program Office. ASD, LLC is considered a responsible SDVOSB.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

In accordance with the Class Deviation from VAAR 819.7007(b), sole source awards to a verified service-disabled Veteran-owned small business, the Contracting Officer's determination whether to make a sole source award is a business decision. For the reasons stated herein, and specifically, in response to Paragraph 5, the undersigned Contracting Officer, has determined that Advanced Survey Design, LLC is a qualified, responsible SDVOSB.

A special notice was issued announcing the contract action will be posted to www.fbo.gov, the Government's point of entry. The Notice of Intent to Sole Source was posted on May 18, 2018. There were no responses received. The Justification and Approval (J&A) document will be posted within 14 days after award in accordance with FAR Subpart 6.305. The award synopsis will be posted to FEDBIZOPPs in accordance with FAR Subpart 5.301(a)(2).

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:

Based on the authorities cited in this justification, a sole source award under the Veterans Benefits Act of 2003 to Advanced Survey Design, LLC is proposed pending negotiation of a fair and reasonable price for the work performed. It is anticipated a negotiation will result in a price which compares favorably to the independent government estimate. The Contracting Officer may need to conduct additional price analysis before making a fair and reasonable price determination and may request final proposal revisions from ASD in order to determine entering into this contract is in the best interest of the Government.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Market research considered the acquisition history and experience under previous acquisitions performed for a similar service. Advanced Survey Design, LLC, a SDVOSB, has been awarded the following contract, with performance provided at a Satisfactory level to date:

- a) All Employee Survey – National Center for Organization Development
Contract # : VA701-16-F-0058
Contract Value: Ceiling of \$340,000.00
Period of Performance: 6-01-16 thru 5-31-2021 (estimated ultimate completion date)
ASD is a certified SDVOSB in VetBiz

Market research techniques used to identify potential resources for this requirement included:

VHAPM Part 819.7007/7008 Sole Source Awards to a Verified Service-Disabled Veteran-owned Small Business/Veteran-owned Small Business

1. Querying Vendor Information Page (VIP)
2. Publishing Special Notice to www.fbo.gov
3. Contacting knowledgeable individuals in government

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

It is recommended that a sole source award be made to Advanced Survey Design, LLC. ASD is a VIP verified SDVOSB that is successfully performing service contracts for Department of Veteran Affairs.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

There was an inquiry from Michael Mowery of Bloomberg, LLC asking who the incumbent contractor was or was this a new requirement.

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:

Upon completion of this requirement, the Contracting Officer will conduct market research with the intention of locating SDVOSBs reasonably capable of performing and compete the future requirement to the maximum extent practicable as a SDVOSB set-aside based on the results of market research.

12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

13. Approvals in accordance with the [VHAPM Part 806.3 OFOC SOP:](#)

All appropriate signatures received.