



**DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF ACQUISITION OPERATIONS – ACQUISITION BUSINESS SERVICES
WASHINGTON, DC 20420**

**Justification and Approval
For Other than Full and Open Competition**

This is a Justification and Approval (J&A) is pursuant to the requirement of the Competition in Contracting Act as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.3 which identifies the procedures and statutory authorities for contracting without full and open competition. This J&A provides the acceptability of this procurement as satisfied by the requirements set forth by FAR Subpart 6.303-1 and the content of this justification as rationed in FAR Subpart 6.303-2.

1. Identification of the agency and the contracting activity, and specific identification of the document as a “Justification for other than full and open competition.”

Department of Veterans Affairs
Office of Acquisition Operations (003B)
Acquisition Business Service
810 Vermont Avenue
Washington, DC 20420-0002

2. Nature and/or description of the action being approved.

The Department of Veterans Affairs (VA), Office of Resolution Management (ORM), proposes to enter into a purchase order on a basis other than full and open competition (OTFOC) for professional services for VA employees. This J&A sets forth the facts and requests approval for the issuance of a sole source contract with Eckerd College, Center for Conflict Dynamics, to provide access to the Conflict Dynamics Profile (CDP) assessment instrument (360 Degree and Individual Versions) which will allow the VA workforce to develop more effective approaches for managing conflict through self-awareness of conflict behaviors and triggers. The CDP was developed to prevent harmful conflict in the workplace and provide managers and employees with a greater awareness of how they respond when faced with conflict.

This instrument is referenced as a resource to VA senior executives, managers and supervisors in mandatory online training on EEO, Diversity, and Conflict Management. By establishing a contract with Eckerd College, Center for Conflict Dynamics to allow VA-wide access to this instrument, individuals who take the training will be able to immediately benefit from this tool. The instrument will also be used by VA's Workplace Alternative Dispute Resolution (ADR) Program in conflict coaching, interventions with individuals and groups, teambuilding, and leadership training programs. These services are for January 1, 2013 through September 30, 2013. This service is for "Professional and Management Development Training" under the NAICS 611430 and is supported under the Service Code 6910 for "Training Aids".

3. **A description of the supplies or services required to meet the agency's needs (including the estimated value).**

The purpose of ORM's requirement is to establish access to the CDP, an assessment instrument dealing with conflict behaviors in the workplace that provides a way to improve self-awareness of what triggers conflict in individuals as well as how they respond to conflict. Based on the triggers and responses, the CDP then provides practical approaches for improving behaviors that promote more effective workplace conflict resolution. Individuals may take the 360 Degree or Individual Version of the CDP; receive a feedback report, graphing the results of the assessment in key areas such as constructive conflict behaviors, destructive conflict behaviors and hot buttons, and a Development Guide that offers helpful suggestions for improving responses to conflict. The anticipated cost for this requirement is: Base - \$6,990.00 Options - \$37,280.00.

The estimated total value for this requirement is as follows:

<u>Contract Period</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
Base Period	9	Mons	\$776.66	\$ 6,990.00
Option Period 1	12	Mons	\$776.66	\$ 9,320.00
Option Period 2	12	Mons	\$776.66	\$ 9,320.00
Option Period 3	12	Mons	\$776.66	\$ 9,320.00
Option Period 4	12	Mons	\$776.66	\$ 9,320.00
TOTAL				\$44,270.00

The Base Period of Performance will be from January 1, 2013 through September 30, 2013. Each Option Period will be for 12 months, beginning October 1st of the previous contract year end of September 30th.

4. **An identification of the statutory authority permitting other than full and open competition.**

The statutory authority permitting acquisition Other Than Full and Open Competition (OTFOC) for this requirement is 41 U.S.C. 253 (c)(1). Contracts awarded using this authority shall be permitted per FAR 6.302-1 – "Only one responsible source and no other supplies or services will satisfy agency requirements".

5. **A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.**

The following justification is presented to support that Eckerd College, Center for Conflict Dynamics is the only source to provide the services cited above:

- The Center for Conflict Dynamics is the global vendor for the CDP assessment.
- The CDP is a registered trademark of Eckerd College and copyright in 2011.

- Conflict management is Eckerd College, Center for Conflict Dynamics' field of study, and the CDP is time-proven and psychometrically sound based on years of academic research. There is solid evidence of the instrument's reliability and validity.

6. **A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies.**

An electronic Special Notice was posted on the Government Point of Entry (GPE) per FAR Subpart 5.201(b)(1) on December 11, 2012 for an expected period of fifteen (15) days (per FAR Subpart 5.203(a)). The notice proposed a contract action for an amount not expected to exceed the simplified acquisition threshold, was made available through a means that provided access to the notice of proposed action through the GPE site, and permitted the public to respond to the solicitation electronically as prescribed in FAR Subpart 5.202(a)(13). The synopsis transmitted for this requirement included a description of the services needed and identified the intended source. The anticipated award date of this sole source is December 28, 2012.

Research via the Internet did not reveal similar services available. The prices published by Eckerd College, Center for Conflict Dynamics' is fair and reasonable with respect to the cost estimate obtained for previously procured CDP tools. Should no other vendor respond with interest to the notification regarding the Conflict Dynamic Profile tools, Eckerd College shall be awarded a multi-year contract to conduct services as described. The award notice shall be posted on Federal Business Opportunities (FedBizOpps) website (<https://www.fbo.gov/>) as required by FAR Subpart 6.305(a) which requires that a "justification shall be made publicly available within 14 days after contract award". Additionally, this award post shall remain posted for a minimum of 30 days in accordance with FAR Subpart 6.305(d)(3).

7. **A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.**

According to the market research for this type of training services, the competitive, published list price established is at a rate with other competing markets for similar specialized, professional education are fair and reasonable in comparison. However, research via the Internet did not reveal any same services being available. The prices published by Eckerd College, Center for Conflict Dynamics' is fair and reasonable with respect to the cost estimate obtained for the CDP for similar type training.

8. **A description of the market research conducted and the results or a statement of the reason market research was not conducted.**

Market research was conducted on the basis of FAR Part 10 and did not suggest any other vendors capable of performing the specialized, professional training offered through Eckerd College. The market research included sources from publish price listings as prescribed in FAR

Subpart 10.002(b)(2)(vii) that "reviewing catalogs and other generally available product literature published by manufacturers, distributors, and dealers or available on-line" is suitable for comparison and determination with other similar vendors. The market research also included employing historical data described in FAR Subpart 10.002(b)(2)(ii) for "results of recent market research undertaken to meet similar or identical requirements". Both techniques found the estimated value presented by Eckerd College to be fair and reasonable.

9. **Any other facts supporting the use of other than full and open competition.**

Through market research, based on other publicized listing price, Eckerd College is recognized as having a competitive edge on supplying organizations with Alternative Dispute Resolution tools, and promoting professional development amongst employees. Eckerd College, Center for Conflict Dynamics, is the only vendor with proprietary rights for the CDP assessment tool. It is the VA's intent to advance employees to improve productivity and encourage a stable work environment within the government.

10. **A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.**

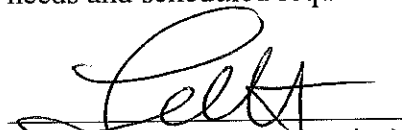
No other sources were found as having these training aids to provide adequate proposed interest for this requirement. Eckerd College is the only source providing the required CDP 360 and Individual tools needed to meet ORM's requirement.

11. **A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.**

In the event of a subsequent acquisition, the VA OAO contracting activity will continue to perform adequate research of the industry to determine if there are any additional sources to promote competition amongst vendors having the capabilities to provide the specialized, professional and educational training required for VA's employees.

12. **Contracting officer certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.**

I certify that the facts and representations under my cognizance, which are included in this justification forms a basis for this justification are complete and accurate, and meet the minimum needs and scheduled requirements.


Tracey Therit (Representative)
ORM ADR Director

4/29/13
Date




Anethra Facione (Preparer)
Contract Specialist

01.10.2013

Date

I certify that this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate to the best of my knowledge and belief.

☒ Approved or ☐ Disapproved


Kelly Lynch (Approver)
Contracting Officer

1/31/2013

Date