

## JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION

Upon the basis of the following justification for other than full and open competition, I hereby approve the issuance of the contractual action pursuant to the authority cited herein.

1. **Contracting Activity**

Department of Veterans Affairs  
Office of Acquisition Operations  
Acquisition Business Service (003B5)  
425 I Street, NW  
Washington, DC 20001

2. **Nature of Action Being Approved:** This justification and approval sets forth the facts and requests approval for the issuance of a sole source contract with Duty First Consulting LLC (DFC), as requested by Department of Veterans Affairs (VA) Human Resources and Administration (HR&A) Corporate Senior Executive Talent Management Office (CSEMO).

3. **Description of the Purchase:** The purpose of this requirement is to obtain support for the Corporate Senior Executive Management Office's (CSEMO) Performance & Talent Management Division. The contractor shall provide staff support that will be responsible for two identified tasks that have multiple subparts. The first task is project management support in support of CSEMO's Talent Management Initiative – which will include, but is not limited to an updated Project Management Plan (PMP), weekly status reports, an integrated MicroSoft Project schedule, weekly status update meetings, maintaining the issues/action items list and provide close-out documents. The second task will be to provide support to CSEMO's effort in developing an overarching organizational policy/program document for Talent Management to include end-to-end career lifecycle management needs for the Department. Specifically, the document must address strategies for workforce planning and assessment; recruitment, selection, and sourcing decisions (buy or build decision analysis), competency assessing, gap analysis, and succession planning activities. This task will require a draft and then a final submission of the policy. It is understood that the project scope includes stand-alone products, as well as feasibility of migration or inclusion into the CSEMO Performance & Talent Management System (CPTMS), the tool identified as solution for automation of policies and/procedures developed or implemented in support of CSEMO's Performance and Talent Management Initiatives. As such, DFC participation in workshops and/or testing of CPTMS functionality may be required as part of this task.

4. **Statutory Authority:** The proposed action will be awarded on a sole source basis under the authority of the test program for commercial items (section 4202 of the Clinger-Cohen Act of 1996). Pursuant to 38 U.S.C. §8127(c), as identified on page 2 of VA Procurement Policy Memorandum (PPM) 2013-01, and Federal Acquisition Regulation (FAR) 6.302-5, "authorized or required by statute," contracting officers may use other than competitive procedures (including sole source awards) for contracts to Service Disabled Veteran Owned Small Business (SDVOSBs) and Veteran Owned Small Business (VOSBs). The statutory authority for this justification is P.L. 109-461 (enacted 12/22/2006), Sec. 502: Department of Veterans Affairs Goals for Participation by Small Businesses Owned and Controlled by Veterans in Procurement Contracts.



**P.L. 109-461, Sec 502**

“(c) SOLE SOURCE CONTRACTS FOR CONTRACTS ABOVE SIMPLIFIED ACQUISITION THRESHOLD. -- For purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of 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 (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) but will not exceed \$5,000,000; and “(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.”

5. **Rationale Supporting Use of Authority Cited Above:** The following justification is presented to support that Duty First is indeed a responsible source to provide the service and supplies cited above:

- DFC has been determined a responsible contractor from a review of past performance information in Contractor Performance Assessment Reporting System (CPARS), and the Excluded Parties List. (see attached). Additionally, this vendor holds three GSA Schedule contracts (GS-10F-0078Y, GS-35F-0588W and GS-07F-0566Y) and as such has been already determined to be a responsible source by General Services Administration (GSA).
- Based on the Government's cost estimate, the estimated dollar value of this purchase is \$500,000.00 for a period of 12 months.
- Other SDVOSB sources are available and were reviewed. However, at the current stage of the program, any source other than DFC would have to perform a duplicate effort over a protracted period of time. These duplicate efforts would require a new vendor to be able to learn the CPTMS system as proficiently as DFC. This will not be possible. These efforts would include gaining a two year historical knowledge of the CPTMS program, as well as an intimate knowledge of how the third party contractor, Success Factors, documents its materials, writes its workbooks, logs its risks, and develops its project schedule. DFC personnel have successfully and accurately advised VA staff, the client of Success Factors, of nuances that could potentially have great impact on the entire project. This cannot be learned by a new vendor in such a short amount of time without a high risk of the entire project failing. DFC has been intimately involved with the CPTMS project from nearly the beginning of the initiative. They have institutional knowledge that cannot be replicated in the time required. This project has always met milestones under the Project Management Accountability System (PMAS) guidelines. DFC is a major reason why that is the case. The end of the contract performance period for Success Factors is scheduled for September 30<sup>th</sup> for some task orders and for July 14 for other task orders. These final tasks to be delivered by Success Factors will allow the automated system VA purchased to be fully functional. DFC's support indirectly impacts strategic goal 4 – with respect to CSEMO's corporate outcome of internal customer satisfaction with management and support services. The project that



DFC supports is directly related to that strategic goal. If the initiative fails, CSEMO could fail in its support of this strategic goal.

- These final phases of the project need to be implemented correctly and quickly. There is no time to train a new vendor and have them perform the level of proficiency displayed by DFC. DFC provides critical services in support of this initiative that requires the level of knowledge that they alone possess.

6. **Efforts to Solicit Potential Sources:** Market Research conducted under the relevant NAICS code (541612) on the VetBiz Registry and CCR reveal DFC is able to complete the requirements of this project and is considered a SDVOSB. The proposed contract action is made under the conditions described in 6.302-5. While there are other sources that potentially can provide the required services, there are no known sources that can meet the time frame of beginning work on March 27, 2013. This is primarily due to the fact that the vendor personnel would have to gain access to the VA's system. They would have to be able to take the necessary security and privacy awareness training and gain background clearances before they begin work. The VA is unable to award a contract to another source to start on March 27 that can meet the basic IT Security Requirements ( e.g. Background Investigations, educational requirements, access to computer network.).

In accordance with PPM 2013-01, the JOFOC will be posted IAW FAR 6.305(d).

7. **Determination of Fair and Reasonable Cost:** The labor rates used in this effort are based on Duty First's current GSA Schedule. GSA has already determined these labor rates to be both fair and reasonable. However, the CO will negotiate with Duty First to obtain additional discounts from the GSA rates.

8. **Market Survey:** Research of the Veterans Business Registry revealed that Duty First possesses the necessary capabilities to successfully perform this requirement. Vendors reviewed but not solicited were 2<sup>nd</sup> Wave LLC, 3<sup>rd</sup> Consulting, LLC and A Design Group, LLC (see item 6 above).

9. **Additional Support for Other than Full and Open Competition:** The incumbent has to perform technical support for the entire CPTMS functionality. Once these tasks are completed the government intends to award a competitive contract involving maintenance support of the CPTMS initiative. Maintenance will involve a different effort and could, theoretically, be provided by another vendor. The government anticipates it can award the competitive actions by 3<sup>rd</sup> quarter fiscal Year FY 2014.

10. **Other Interested Sources:** Not Applicable.

11. **Future Competitive Plans:** After the conclusion of this effort, the Government will compete the acquisition of these services among SDVOSBs.