

CUI

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FAR PART 6
JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN
COMPETITION

Army's Transition Assistance Program

Controlled by: U.S. Army
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Standard Form 901 (11-18)
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**JUSTIFICATION REVIEW DOCUMENT
FAR PART 6 JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION**

Program: Army’s Transition Assistance Program (TAP) contract support services.

Authority: 10 U.S.C. 3204(a)(1) as implemented by FAR Part 6.302-1 – Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

Amount: [REDACTED]

Prepared by: [REDACTED]

DSN: 9 [REDACTED]
Date: 28 OCT 2022

Contracting Officer: [REDACTED]

DSN: 4 [REDACTED]
Date: 28 OCT 2022

Technical: [REDACTED]

DSN: 98 [REDACTED]
Date: 28 OCT 2022

[REDACTED]

DSN: 9 [REDACTED]
Date: 28 OCT 2022

Requirements: [REDACTED]

DSN: 9 [REDACTED]
Date: 28 OCT 2022

Reviews: I have reviewed this justification and find it adequate to support other than full and open competition.

Program Manager:

[REDACTED]

DSN: 98 [REDACTED]

[REDACTED]

Date: See Digital Signature

Small Business Professional:

[Redacted]

[Redacted]

[Redacted]

Date: See Digital Signature

MICC Legal Counsel:

[Redacted]

[Redacted]

[Redacted]

Date: See Digital Signature

Director, MICC – Ft Knox:

[Redacted]

[Redacted]

[Redacted]

Date: See Digital Signature

Director, Field Directorate Office – Fort Sam Houston:

COL Toney R. Stephenson

[Redacted]

[Redacted]

Date: See Digital Signature

Assistant Director, Small Business Program:

[Redacted]

[Redacted]

[Redacted]

Date: See digital Signature

Alternate Advocate for Competition:

[Redacted]

[Redacted]

[Redacted]

Date: See digital Signature

**FAR Part 6 Justification and Approval for
Other than Full and Open Competition**

1. Contracting Activity: U.S. Army Mission and Installation Contracting Command – Fort Knox (MICC – Ft Knox), 199 6th Avenue, Suite 250, Fort Knox, KY 40121-5720

2. Description of Action: The U.S. Army Human Resources Command (HRC) requests a new Firm-Fixed-Price (FFP with cost CLIN) bridge contract for current contract number W9124D-22-C-0010 with Inverness Technologies, 7619 Little River Turnpike, Suite 430, Annandale, Virginia 22003. The Government projects award of the bridge action in December 2022, Fiscal Year 2023 VCAP Operation and Maintenance (O&M) funds have been projected for this contract.

This action is the fifth bridge contract since the expiration of contract W9124D16C0011. The original contract (W9124D-16-C-0011) was awarded competitively. This bridge contract is for coverage of the required services through resolution of the GAO protest filed on 6 December. Award of the follow-on action occurred on 22 November 2022.

3. Description of Services: Army's Transition Assistance Program (TAP). The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 1991 requires that pre-separation counseling and employment assistance training be provided to retiring and transitioning Soldiers and their Family members. These services are provided at 54 locations in both the United States and overseas. The performance period will consist of a five-month period of performance. The follow-on contract was awarded on the 22 November 2022, but there have been two SBA size protests as well as a GAO protest received as of 6 December 2022.

Base Period: 4 January 2023 – 3 June 2023

Value: [REDACTED]

4. Authority Cited: 10 U.S.C. 3204(a)(1) as implemented by FAR Part 6.302-1 – Only one responsible source and no other supplies or services will satisfy agency requirements.

5. Reason for Authority Cited: As described at FAR 6.302-1(a)(2), when the supplies or services required by the agency are available only from one responsible source, or for DoD, NASA and the Coast Guard, from only one or a limited number of responsible sources, and no other types of supplies or services will satisfy agency requirements, full and open competition need not be provided for.

a. As a result, and with consideration of the above, continuing services under a bridge contract with the incumbent is in the best interest of the Government. Inverness Technologies Inc. (Inverness) is the incumbent contractor under contract W9124D-22-C-

0010, awarded 3 March 2022. Presently, Inverness is considered a large business for the NAICS code being utilized. Inverness was previously a Service-Disabled Veteran Owned Small Business (SDVOSB) and has performed the required services with a qualified and experienced staff, which has resulted in no performance issues to date. Though there are other contractors with the capabilities to perform the requested services, due to the short timeline and criticality of this congressionally mandated program, it is in the best interest of the government to secure this bridge contract with Inverness to ensure continuity of services during the resolution period for the GAO protest on the current award.

b. HRC has been working with MICC-Fort Knox over an extended period to refine the performance work statement (PWS) and finalize documents necessary to meet the changing program needs of TAP. HRC is consolidating various pieces of the Transition Assistance services requirement, to include Transition Counselors, Financial Counselors, Career Skills Program and accessing Higher Education Track into one ONMIBUS type contract. As a result of this evolving requirement, market research has been completed and a formal request for consolidation was approved on 8 March 2019.

c. On October 4, 2018, an initial determination of the level of effort that would comprise the services under the OMNIBUS effort resulted in an independent government estimate of approximately [REDACTED]. Due to the estimated contract value exceeding [REDACTED], higher approval levels were required at the Headquarters Department of the Army (HQDA) level prior to the release of the solicitation. The higher approval levels and associated documentation requirements required an extensive amount of additional time that had not been anticipated. Initial planning anticipated release of the solicitation in June 2019 but the approval to release the solicitation was not obtained until 28 February 2020. After the solicitation was released on 28 February 2020, over 490 questions concerning the solicitation were received. This extended the proposal due date to 20 April 2020. At that time, the award of the competitive follow-on action was projected to occur in October 2020, based on the previous J&A. Receipt of pre-award protests at the agency level and at the General Accountability Office (GAO) significantly delayed the award. Due to corrective action required resulting from these protests, additional time was needed to complete the evaluation process. Furthermore, review and higher-level approval for required procurement documents [Pre-negotiation Objective Memorandum (POM), Competitive Range Determination, Source Selection Advisory Committee, Source Selection Decision Document and Price Negotiation Memorandum (PNM)] required a significant amount of additional time to make the documentation compliant with acquisition regulations. Contract award was made 22 November 2022 but two subsequent SBA size protests were received as well as a GAO post award protest received on 6 December 2022.

d. With the resulting events mentioned in the previous paragraph with consideration to 100 calendar days for GAO decision of the protest filed on 6 December, the projected award date for the competitive follow-on phase-in period is 4 April 2023 to 3 June 2023

with full performance on 4 June 2023. HRC is requesting that a bridge contract be awarded to avoid a break in service for this congressionally mandated program.

e. Alternatives:

1) Break in Service: This requirement supports transition services to the Active and Reserve Components Soldiers as mandated in the NDAA19, Veterans Opportunity to Work (VOW) to Hire Heroes Act 2011, Army Executive Order (EXORD) 2011, the Presidential Transition Task Force Directive 2011 and Army Regulation 600-81. Without this new bridge contract, the Army will be unable to meet legal and congressional mandates and Soldiers will be less likely to meet career readiness standards.

2) In-house Government Resources: The Government does not possess enough in-house resources to cover a gap in these services. The NDAA for FY 2011, Section 4113 of Title 38, U.S. Code states "(a) Requirement to contract - IAW section 1144 of Title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide functions described in subsection (b) at all locations where the program described in such sections is carried out. Subsection "(b) Functions - Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of Title 10.

f. Other Facts:

1) To meet the requirements of NDAA19, VOW Act, the Army's Career Readiness Standards (CRS), and AR 600-81, a new bridge contract for the current requirement is needed to provide the services to approximately 100,000 Soldiers worldwide upon expiration of the current bridge contract. This new bridge contract will allow time for resolution of the GAO protest on the current award.

2) As the chartered owner for the TAP requirement, HRC will manage and execute the OMNIBUS contract requirements from the program office located at Fort Knox, KY, while all stakeholders will retain responsibility and oversight for their programs included in the OMNIBUS contract. The primary difference with an OMNIBUS contracting approach is that the Army will have one performing vendor who is responsible for the entire Soldier transition process, to include connection to industry.

3) It is not feasible to utilize any other vendor for this interim requirement. This requirement covers 54 locations worldwide with 554 Full-time Equivalents. The current bridge contract expires on 3 January 2023 with no remaining options. If another vendor is brought in for this interim requirement, the vendor will not have sufficient transition resources needed to successfully perform, to include start-up, staffing, training, and transfer of knowledge to ensure continuity of services for this mandated program at all 54 locations.

4) There are currently travel restrictions in place that are affecting travelers in many countries. People traveling from European countries to the United States of America (USA) cannot enter the USA. People that have traveled to or through China, Hong Kong, or Macau may not enter any United States Forces Korea (USFK) installations. Due to these conditions and limitations, it is in the best interest of the government to secure this bridge contract with Inverness to ensure continuity of services with the existing in place staff at the various installations around the world.

6. Efforts to Obtain Competition: The Contracting Officer shall publish the notices required by FAR 5.201 and any bids or proposals received shall be considered.

a. **Effective Competition:** Because this is a sole source action, effective competition is not applicable.

b. **Subcontracting Competition:** Subcontracting competition will be achieved since the incumbent (Inverness) is a large business and with the contractor having multiple locations, subcontracting should not be a challenge. A subcontracting plan will be evaluated, negotiated and approved prior to award of the new bridge contract in accordance with FAR 52.219-9 Small Business Subcontracting Plan, and DFARS 252.219-7003 – Small Business Subcontracting Plan (DoD Contracts).

7. Actions to Increase Competition: The original contract W9124D16C0011 was awarded competitively and a bridge action (W9124D22C0010) is in effect at this time. This request is for a fifth sole source bridge action that will permit sufficient time to allow GAO to render a decision on the protest of the follow-on award W9124D23C0003.

8. Market Research: Market research was conducted 27-31 January 2022, utilizing North American Industry Classification System (NAICS) code 541612, Human Resource Consulting Services, with a size standard of \$25.5 million. NAICS code 541612 was utilized during the search using the following websites [e.g., AbilityOne, System for Award Management (SAM.gov), and Dynamic Small Business Search engine]. A waiver for posting a sources sought was approved by the Senior Contracting Official when a contract must be extended after receipt of a protest.

9. Interested Sources: This bridge action will be awarded on a sole source basis. In accordance with Defense Federal Acquisition Regulation Supplement (DFARS) 205.205-71, DFARS 206.302-1(d), and DFARS Procedures, Guidance and Information (PGI) 206.302-1(d).

The follow-on competitive requirement was solicited as an SDVOSB set-aside and will permit all interested sources that meet the determined set-aside guidance to compete for the follow-on contract. The solicitation (W9124D20R0016) was released on 28 February 2020 and proposal due date was established at 30 March 2020 which was later extended to 20 April 2020, due to a significant number of questions received from industry.

10. Other Facts:

a. Procurement History:

W9124D22C0010 (Current Contract)

POP: 4 March 2022 through 3 January 2023

Requirement was awarded to Inverness Technologies as a Sole Source by MICC-Fort Knox. Inverness is no longer a small business under the NAICS 541612. Therefore, was awarded as a large business and incorporated a subcontracting plan to allow opportunities for other socio-economic businesses to participate based on market research. Estimated contract value to date is [REDACTED]. Justification was approved for this action under Authority of 10 U.S.C. 2304(c)(1) as implemented by FAR 6.302-1 – Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements. This action was necessary to allow sufficient time for effective competition to be obtained for the follow-on requirement (W9124D20R0016), estimated at approximately [REDACTED]. Due to the value of this requirement, higher level approvals were required. In addition, an award was made, and corrective action was required due to receiving three post award General Accountability Office (GAO) protests. This has caused the delay in finalizing of the follow-on requirement.

W9124D21C0017

POP: 4 July 2021 through 3 March 2022

Requirement was awarded to Inverness Technologies as a Sole Source by MICC-Fort Knox. Inverness is no longer a small business under the NAICS 541612. Therefore, was awarded as a large business and incorporated a subcontracting plan to allow opportunities for other socio-economic businesses to participate based on market research. Contract value to date is [REDACTED]. Justification was approved for this action under Authority of 10 U.S.C. 2304(c)(1) as implemented by FAR 6.302-1 – Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements. This action was necessary to allow sufficient time for effective competition to be obtained for the follow-on requirement (W9124D20R0016), estimated at approximately [REDACTED]. Due to the value of this requirement, higher level approvals were required. In addition, an award was made, and corrective action was required due to receiving three post award General Accountability Office (GAO) protests. This has caused the delay in finalizing of the follow-on requirement.

W9124D20C0011

POP: 4 July 2020 through 3 July 2021

Requirement was awarded to Inverness Technologies as a Sole Source by MICC-Fort Knox. Inverness is no longer a small business under the NAICS 541612. Therefore, was awarded as a large business and incorporated a subcontracting plan to allow opportunities for other socio-economic businesses to participate based on market research. Contract value to date is [REDACTED]. Justification was approved for this action under Authority of 10 U.S.C. 2304(c)(1) as implemented by FAR Part 6.302-1 – Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency

Requirements. This action was necessary to allow sufficient time for effective competition to be obtained for the follow-on requirement (W9124D20R0016), estimated at approximately [REDACTED]. Due to the value of this requirement higher level approvals were required. In addition, there were a significant number of questions submitted by industry and several protests received. This has caused the delay in award of the follow-on requirement.

W9124D19C0013

POP: 4 July 2019 through 3 July 2020

Requirement was awarded to Inverness Technologies as a Sole Source by MICC-Fort Knox. MICC solicited for the follow-on contract to W9124D16C0011, with Inverness which is no longer a small business under the NAICS 541612. Therefore, was awarded as a large business and incorporated subcontracting plan to allow opportunities for other socio-economic businesses to participate based on market research. Contract value was [REDACTED]

W9124D16C0011

POP: 4 July 2016 through 3 July 2019

Requirement solicited/awarded to Inverness Technologies by MICC-Fort Knox instead of HR Solutions. MICC solicited on a competitive basis to Service-Disabled Veteran Owned Small Businesses based on market research. Contract value to date is [REDACTED] including phase-in, base, two options and FAR 52.217-8 Option to Extend Services.

W91WAW11D0024 2T02 (Bridge due to GAO protest - FAR 6.302-2)

POP: 4 January 2016 - 3 September 2016.

Awarded through the HR Solutions Personnel Services and Support, Indefinite Delivery-Indefinite Quantity contract.

W91WAW11D0024 2T01 (Bridge due to GAO protest - FAR 6.302-2)

POP: 16 September 2015 - 3 January 2016.

Awarded through the HR Solutions Personnel Services and Support, Indefinite Delivery-Indefinite Quantity contract.

W91WAW11D0024 2E09 (Bridge due to GAO protest - FAR 6.302-2)

POP: 16 September 2014 - 15 September 2015.

Awarded through the HR Solutions Personnel Services and Support, Indefinite Delivery-Indefinite Quantity contract.

W91WAW11D0024 2E09

POP: 16 September 2011 - 15 September 2014.

Awarded with fair opportunity through the HR Solutions Personnel Services and Support, Indefinite Delivery-Indefinite Quantity contract.

W91WAW10D0077 0005

POP: 16 September 2010 to 15 September 2011.

Awarded with fair opportunity against the Personnel Services and Support Indefinite Delivery Indefinite Quantity (IDIQ) contract.

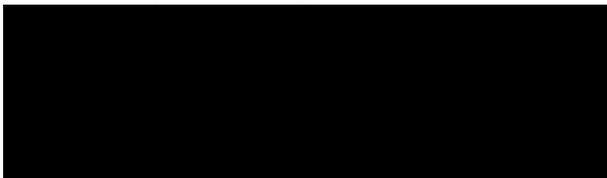
11. Technical Certification: I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.



Date: See Digital Signature

Program Analyst

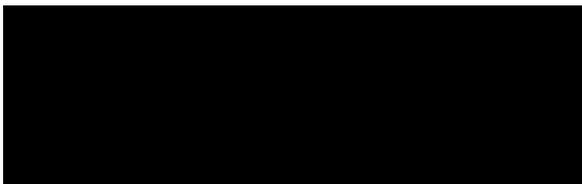
12. Requirements Certification: I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.



Date: See Digital Signature

Director, Transition Division

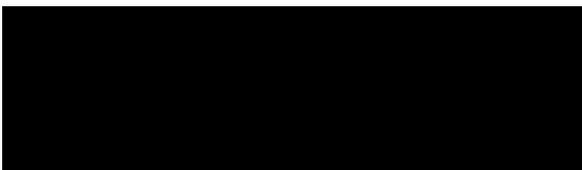
13. Fair and Reasonable Cost Determination: I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable. The techniques identified in FAR 15.404-1(b) and FAR 15.404-1(c)(2)(iii) will be used to ensure the award is fair and reasonably priced. The Contracting Officer will use a comparison of industry cost for similar work and the Independent Government Estimate (IGE). This determination will be made using price analysis and the IGE. As a part of this basis, certified cost or pricing data will not be required and the following exception applies: FAR 15.403), a commercial item is being acquired.



Date: See Digital Signature

Contracting Officer

14. Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

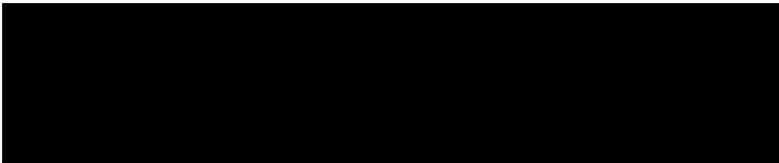


Date: See Digital Signature

Contracting Officer

Approval

Based on the foregoing justification, I hereby approve the procurement of this sole source bridge contract for the Army's Transition Assistance Program for the Human Resources Command on an other than full and open competition basis pursuant to the authority of Title 10 United States Code Section 3204(a)(1), Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements. The estimated value of the contract is [REDACTED] with a five-month period of performance, 4 January 2023 through 3 June 2023. The approval is subject to availability of funds, and provided that the services or supplies herein described have otherwise been authorized for acquisition.



Senior Contracting Official
U.S. Army Mission and Installation Contracting Command, JBSA Fort Sam Houston, TX