

Justification Review Document
For Sole Source - FAR Part 13.501

Program/Equipment: Non-Commercial Sustaining Announcements (NCSA) Program

Authority: 41 United States Code 1901 as implemented in Federal Acquisition Regulation 13.501(a)(1)(ii), "sole source (including brand name) under the authority of the simplified procedures for certain commercial items."

Amount: \$788,179.50

Prepared by:

Typed Name: SSG Nichelle Nagle DSN: 871-3126

Title: Contract Specialist Date: 13DEC2022

E-mail: nichelle.e.nagle.mil@army.mil

Contracting Officer:

Typed Name: Drue Glaze DSN: 871-2752

Date Reviewed: 15DEC2022 E-Mail: drue.l.glaze.mil@army.mil

Technical Representative:

Typed Name: Christopher Yurek DSN: 825-3814

Title: R&R Marketing NCO Date Reviewed: 15DEC2022

Requirements Representative:

Typed Name: Jenny George DSN: 825-8147

Title: R&R Budget NCO Date Reviewed: 15DEC2022

CUI//SP-SSEL

Control Number: MN 23-001 / AQ 23-002

Reviews

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

Legal Counsel

Typed Name: LTC David Blomgren Commercial: 651-282-4983

Signature: BLOMGREN.DAVID.CHARLES.1290293592
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Date: 2023.01.05 16:19:16 -06'00'

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(Source Selection Information - See FAR 2.101 and 3.104-4)

Sole Source Justification and Approval
Under FAR 13.501

1. Contracting Activity: Minnesota National Guard.
2. Description of Action: Contract award to the Minnesota Broadcasters Association (CAGE: 9C5R6), New contract, Firm Fixed Price, VAMP Funds.
3. Description of Supplies/Services: Media advertising for the Minnesota Army National Guard (MNARNG) at the State and local level using both: (1) Public Service Advertising (PSA); and (2) a hybrid between PSA and paid advertising called Non-Commercial Sustaining Announcements Program or Public Education Partnership (PEP) Program.

Period of Performance: 01FEB23 to 31JAN26
Total Value: \$ 788,179.50
Base Period: 01FEB23 to 31JAN24 Value:
Option Period 1: 01FEB24 to 31JAN25 Value:
Option Period 2: 01FEB25 to 31JAN26 Value:
4. Authority Cited: 41 United States Code 1901 as implemented in Federal Acquisition Regulation 13.501(a)(1)(ii), "sole source (including brand name) under the authority of the simplified procedures for certain commercial items."
5. Reason for Authority Cited: FAR 13.5 "This subpart authorizes the use of simplified procedures for the acquisition of supplies and services in amounts greater than the simplified acquisition threshold but not exceeding \$7.5 million (\$15 million for acquisitions as described in 13.500(c)), including options, if the contracting officer reasonably expects, based on the nature of the supplies or services sought, and on market research, that offers will include only commercial products or commercial services." The NCSA program, also known as the Public Education Partnership (PEP) program, is a hybrid of Public Service Announcements (PSAs) and paid broadcast advertising. Each state has its own State Broadcasters Association (SBA) that represents its radio and television broadcasters. SBAs are represented nationally by the National Alliance of State Broadcasters Associations (NASBA). SBAs created the NCSA program so that the radio and television stations served by these associations could benefit indirectly from the announcements they air. NCSAs are only available to non - profit organizations or Government agencies.
6. Efforts to Obtain Competition: Sources sought posted to SAM.gov on 17OCT2022 for a total of 15 days and a revised sources sought posted on 03NOV2022 for 7 days. A notice of the sole source award will be made public IAW FAR 13.501(a)(1)(iii), "Make publicly available the justifications (excluding brand name) required by 6.305(a) within 14 days after contract award."

7. Actions to Increase Competition: Not applicable. As outlined in the findings from the market research below, competition is unlikely to produce meaningful benefits to the Government.

8. Market Research: The FCC and the IRS have afforded the NCSA/PEP program "special status" to promote their use by government agencies and non-profit organizations. Under this program, radio and TV stations donate commercial airtime to their local SBA to be re-sold, at a substantial discount to market rates, to governmental and non-profit organizations. NCSAs are most appropriate for public awareness of issues that cut across all demographics, where there is insufficient budget to cover the state or region adequately with paid advertising. A state or federal government agency or a non-profit organization funds the broadcasters' association in order to promote a specific program that can be targeted statewide or regionally. In return, that agency is guaranteed airtime worth 4-5 times the value of their investment. This is achieved by using unsold airtime for additional advertisement for the MNARNG.

9. Interested Sources: An initial sources sought notice was posted on SAM.gov 17OCT2022 for 15 days. The initial sources sought identified a requirement for radio and television advertising in both metro and non-metro locations. Three vendors submitted responses to this Preliminary technical information submitted by Kantan & Company, LLC, Spears Consulting Group, LLC, and GoodPrint Corp were reviewed by the requiring activity.

A secondary refined sources sought was posted 03NOV2022 for 7 days. This sources sought identified the use of the NCSA program and PSA's for the television and radio advertising requirement. Two vendors submitted responses: Sinclair Broadcast Group, Inc./Free State Strategic Services and Juice House. The responses were reviewed by the requiring activity.

Clarification questions were sent out to all above mentioned vendors on 21DEC2022. Responses were requested from vendors NLT 28DEC2022 by 10:00 AM (CST). Responses were received from GoodPrint on 22DEC2022 and Sinclair Broadcast Group on 03JAN2023 stating that they were unable to use the NCSA program and meet requirements. Spears Group sent a response on 03JAN2023 stating they are able to use the NCSA program on behalf of the government, however, the question was asked to the Minnesota Broadcasters Association whether for-profit companies could use the NCSA program on behalf of the government. The Minnesota Broadcasters Association responded that for-profit companies cannot use the NCSA program on behalf of the government. As of 03JAN2023, Kantan & Company and Juice House were non-responsive to the clarifying questions email.

10. Other Facts:

a. Procurement history. The ARNG utilizing the NCSA/PEP program has been a successful on-going program for many years at the national level. Previously, LMD (provider) and Laughlin Marinaccio Owens (LMO) had been the only advertising service

providers to the ARNG supporting the NCSA program.

Under the National Guard Bureau (NGB) managed contract (IDIQ), LMD Agency served as the prime vendor. The agency had a business-to-business relationship/agreement with the respective State Broadcasters Associations (SBAs) in which distribution fees to SBAs were managed. LMD developed monthly and quarterly reports for the NGB PM/COR that measured effectiveness. The contract with LMD allowed NGB to consolidate deliverables and reporting requirements within a single agency, rather than separate contracts with each SBA.

This requirement was previously completed utilizing IDIQ contract # W9133L-17-D-0001. This contract was managed by NGB utilizing the NCSA through Minnesota Broadcasters Association. The contract expired April 2022. NGB decentralized the IDIQ to states allowing the state to manage the NCSA program under a decentralized model to give contracting offices the flexibility to award contracts directly to SBAs.

b. Other facts. NCSAs are only available to non-profit organizations or Government agencies.

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.

Signature: YUREK.CHRISTOPHE R.PAUL.1137418661
Digitally signed by YUREK.CHRISTOPHER.PAUL.1137418661
Date: 2023.01.04 12:42:49 -06'00'

Typed Name: Christopher Yurek Title: R&R Marketing NCO

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.

Signature: GEORGE.JENNY.ANN.1139032329
Digitally signed by GEORGE.JENNY.ANN.1139032329
Date: 2023.01.04 12:49:26 -06'00'

Typed Name: Jenny George Title: R&R Budget NCO

13. Fair and Reasonable Cost Determination:

I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable.

Signature: GLAZE.DRUE.LOGAN.1136239240
Digitally signed by GLAZE.DRUE.LOGAN.1136239240
Date: 2023.01.04 12:59:35 -06'00'

Typed Name: Drue Glaze Title: Contracting Officer

14. Contracting Officer Certification:

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Signature: GLAZE.DRUE.LOGAN.1136239240
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GLAZE.DRUE.LOGAN.1136239240
Date: 2023.01.04 13:02:26 -06'00'

Typed Name: Drue Glaze Title: Contracting Officer

Approval

Based on the foregoing justification, I hereby approve the procurement of Non-Commercial Sustaining Announcements (NCSA) Program for \$788,179.50 on an other than full and open competition basis pursuant to the authority of 41 U.S.C. 1901 as implemented by FAR 13.501, subject to availability of funds, and provided that the services and property herein described have otherwise been authorized for acquisition.

Signature: VANUCH.DAVID.MATTHEW.1074640423
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VANUCH.DAVID.MATTHEW.1074640423
Date: 2023.01.12 07:56:19 -05'00'

Typed Name: David M. Vanuch Title: Command Advocate for Competition