

**Justification and Approval
Brand Name – Sole Source**

Contract Number: HDEC05-12-A-0012 (GS-02F-0095T)

Description of Requirement: Purchase of copyrighted Franklin Covey Leadership Survey materials to be used in conjunction with the Franklin Covey Leadership Foundation Participation Kits and work force development materials.

Statutory Authority: FAR 13.106-1(b)(1)(i) Soliciting from a single-source, under Simplified Acquisition Procedures for Brand Name and 10 U.S.C. 2304(c)(1) FAR 8.405-6 Brand Name Justification

Estimated Contract Amount: \$22,500

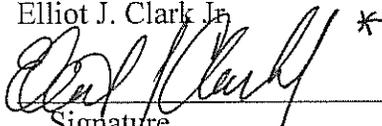
Prepared by: Jason Reedy, Contract Specialist, ext 49815

Technical POC: Richard Nuffer, Chief, Workforce Development, ext 52786

Contracting Officer: Michael Shaffer, ext 48681

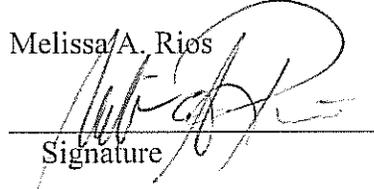
Reviews: We have reviewed this Brand Name Justification and find that justification is adequate to support the regulatory requirements.

** Caution: It appears that this a split requirement & the total cost is approaching \$100k*

Legal Counsel: Elliot J. Clark Jr. *

Signature

Phone: 804-734-8000 ext 48207

Date: 25 June 12

DeCA Competition Melissa A. Rios

Signature

Phone: 804-734-8000 ext 48680

Date: 6/25/12

MEMORANDUM FOR RECORD

DATE: June 22, 2012

SUBJECT: Sole Source Approval for Franklin Covey Leadership Surveys

(1) Identification of the agency and the contracting activity:

Agency: Defense Commissary Agency (DeCA)
Contracting Activity: DeCA Contracting Directorate, Contracting Division
1300 E Avenue, Fort Lee VA 23801-1800
POC: Michael G. Shaffer, Contracting Officer/LEAAR Branch Chief

(2) Nature and/or description of the action being approved:

Approval is requested for a sole source contract ordering vehicle for a DeCA-wide requirement using defense working capital funds.

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

Leadership Survey – Franklin Covey survey (Estimated value: \$37.50 per survey)

FY12 current defined requirement of 600 manager surveys. Defined market price FY12-FY 13 survey contract value is \$22,500.

(4) An identification of the authority permitting other than full and open competition:

FAR 13.106-1(b)(1), "Soliciting from a single source. For purchases not exceeding the simplified acquisition threshold."

Only one source is deemed to be reasonably available and includes a brand name item.

The Franklin Covey company is the only survey source for which specified DeCA employees are already trained and may provide immediate guidance and feedback on the survey. DeCA instructors may not use this survey and receive assistance, unless they use the Franklin Covey survey. All Franklin Covey materials are copyrighted and may only be used by purchasing the survey. To use a different survey would require training the instructors on the deployment and interpretation of another survey and the additional funds to do this would not be recouped through competition.

A key advantage to the using the Franklin Covey survey is that there are presently 10 employees who have attended a training course to be able to understand and explain the survey. Because Franklin Covey leadership courses are taught by these instructors, they are very knowledgeable about the survey and the course content that goes with it.

DeCA has already successfully deployed this program and trained a large number of managers in grades GS-10 and above. The quantities requested under this action are required to assess the leadership potential/style of DeCA store managers.

(5) 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 intent to award notice will be synopsisized and any correspondence received from the marketplace will be examined to determine whether a new entrant to the market or other undiscovered vendor has a product that may meet this need and thus a competition be warranted vice a sole source award.

(6) A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

Other “off the shelf” products do not appear to meet the Agency’s needs. The best option is for DeCA to develop a survey “in house”. This would be significantly more expensive than purchasing the Franklin Covey product. To create a product that approaches the quality of this survey will require approximately one year of work by an employee at the GS-12 or GS-13 level. With benefits, this would cost the government between \$90,000 and \$125,000. After the completion of course development, the government would still be required to print and distribute course material. An additional employee at the grade of GS 5 would be required to manage the survey, compile the results and create a document that contains all the feedback. This would be an additional cost to DeCA of approximately \$20,000.

Note that certified cost or pricing data was not required because of the prohibition at FAR 15.403-1.

(7) A description of the market research conducted (see Part 10) and the results or a statement of the reason market research was not conducted.

The Franklin Covey material has been well received by DeCA managers and has improved attitude and understanding of how to lead. DeCA has used a variety of materials and none has benefitted managers more than this course and survey.

Other off-the-shelf surveys do not provide the comprehensive feedback that the Franklin Covey survey does. The amount of additional work would be cost prohibitive.

(8) Any other facts supporting the use of other than full and open competition, such as:
None

(9) A listing of the sources, if any, that expressed, in writing, an interest in the acquisition:

None to date. Any inquiries received after posting the synopsis will be researched prior to placing any future BPA calls.

(10) 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.

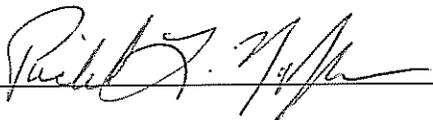
Examine the market for better and more affordable solutions in future years.

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.

NAME: Richard Nuffer

DATE: June 21, 2012

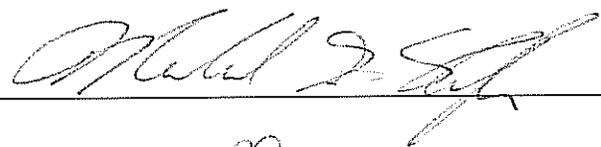
SIGNATURE: 

TITLE: Chief, Workforce Development

Contracting Officer Certification.

I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable. I further certify that this justification is accurate and complete to the best of my knowledge and belief and approve this procurement as stated.

NAME: Michael G. Sheffer DATE: 6/22/2012

SIGNATURE: 

TITLE: Contracting Officer