



## DEPARTMENT OF THE NAVY

NAVAL SURFACE WARFARE CENTER  
DAHLGREN DIVISION  
6149 WELSH ROAD, SUITE 203  
DAHLGREN, VIRGINIA 22448-5130

IN REPLY REFER TO

J&A DL13110  
CXS11-4

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

#### JUSTIFICATION

#### 1. Contracting Activity

The Naval Surface Warfare Center, Dahlgren Contracts Division.

#### 2. Description of the Action Being Approved

NSWCDD proposes to issue a five year basic ordering agreement (BOA) to Virginia Polytechnic Institute and State University (VT), 1880 Pratt Drive, Suite 2006, Blacksburg, VA 24060-3580. The BOA will enable NSWCDD to establish task orders to satisfy recurring tuition requirements that cannot be accurately predicted per academic semester or academic year. Task orders under this BOA will be Firm Fixed Price (FFP). Authority to issue orders under this class J&A expires 19 August 2017.

#### 3. Description of Supplies/Services

For purposes of this requirement, the definition of current student is a member of the NSWCDD workforce that has been accepted into an undergraduate or graduate program with an accredited institution. Employees' commitment to NSWCDD only enables them to carry a few credits each semester, lengthening their enrollment period.

The procurement and payment of tuition for current students is required to fulfill NSWCDD's mission of providing training assistance as a benefit of an individual employee's compensation package. This benefit will provide continued high quality academic education to the workforce focusing on technical disciplines which are critical to the NSWCDD mission. The number of enrollments varies each academic term.

Enrollment estimates for a typical fall, spring, and summer term are as follows for VT:

VT Enrollment Estimates

	Fall	Spring	Summer
# of Graduate Enrollments	26	26	5

The BOA issued to VT will provide a flexible and streamlined approach to making payments for academic training. The above table reflects only graduate students. Currently there are no undergraduate students.

Although ceilings are not established for individual BOAs, the following projected costs are expected based on current student enrollments at VT:

Estimated Dollar Values Per Academic Term

	Fall	Spring	Summer
2012	\$53,144		
2013	\$58,459	\$53,144	\$10,220
2014	\$64,305	\$58,459	\$11,242
2015	\$70,735	\$64,305	\$12,366
2016	\$77,808	\$70,735	\$13,603
2017		\$77,808	\$14,963
Totals	\$324,451	\$324,451	\$62,394

Total amount estimated at \$711,296. The proposed BOA will use NWCF funding.

The Government's minimum needs have been verified by the certifying technical and requirements personnel.

4. Statutory Authority Permitting Other Than Full and Open Competition

10 U.S.C. 2304(c)(1) - only one responsible source and no other supplies or services will satisfy agency requirements.

5. Rationale Justifying Use of Cited Statutory Authority

NSWCDD's success depends solely on the workforce. As research and technology evolves and progresses, NSWCDD incurs significant risk if continuous education is not provided to the workforce. It is mandatory that the government maintains and strengthens the workforce or there could be a negative programmatic and cost impact to the agency. Academic education provides an important means for the workforce to stay current in theories and technologies to solve the challenging problems of today and tomorrow and provides the opportunity to expand career goals and increase professional credentials.

Moreover, the academic programs at VT provide a quality education at a reasonable cost in focused disciplines and topics relevant and critical to the NSWCDD mission needs. These programs are accessible either at the Dahlgren site or within a reasonable commuting distance for both employees of NSWCDD and VT professors, as well as being less disruptive to employees work schedules. Furthermore, the tuition prices for these programs are competitive and the same tuition prices offered to the public. NSWCDD has negotiated that institutions will have instate residency tuition fees for all NSWCDD employees.

The issuance of a BOA will provide a mechanism for NSWCDD to support the educational requirements of current students enrolled at VT. Market research and analysis of historical data indicate that other academic institutions provide comparable educational opportunities. However, previous investments made for admissions and students' paid on the clock attendance time would be forfeited and unrecoverable if the workforce were required to obtain their education at a different academic institution than where they are currently enrolled. Additionally, total credits earned may not be accepted as applicable to a new degree program. In this case, there could potentially be an adverse effect on the workforce's morale and

willingness to complete an academic degree program, in addition to the financial implications to NSWCCD, if the workforce is required to change institutions after admissions into a degree program.

Task orders under this BOA will be awarded on a non-competitive basis under FAR 6.302-1(a)(2)(ii)(A), since only one responsible source can meet the requirements based on the enrollment acceptance and continuing participation in academic programs at VT.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable.

Pursuant to FAR 5.201, this requirement was synopsisized in FEDBIZOPS on 01 August 2012 to notify the public that a sole source BOA would be established to support current student enrollment at VT. No other responses were received.

As stated in paragraph 5, market research was performed, but it was determined the investments made by NSWCCD on current students is substantial. The government will continue to evaluate the enrollment requirements with other institutions by NSWCCD workforce to determine if additional BOAs need to be issued.

Individual or classes of orders to be issued under this BOA will be published on the FEDBIZOPS website. All responses will be considered.

7. Determination of Fair and Reasonable Costs

The Contracting Officer has determined that the anticipated cost to the Government for the supplies/services covered by this class J&A will be fair and reasonable.

8. Actions to Remove Barriers to Competition

NSWCCD plans to continually review the current student enrollments at other institutions each semester to determine if additional agreements need to be established for recurring tuition. Additionally, the circumstances surrounding the need to obtain the required supplies/services without providing full and open competition will be reviewed annually.

TECHNICAL/REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this justification and which form a basis for this justification are complete and accurate.

Technical and Requirements Cognizance:

[REDACTED] Code Phone Date  
DEBRA BARDINE, Academic Prog Mgr

APPROVED FOR LEGAL SUFFICIENCY

[REDACTED] Code Phone Date  
NSWCDD Legal Counsel for Dahlgren Laboratory

CONTRACTING OFFICER CERTIFICATION

(FAR 6.303-2(a)(12))

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

[REDACTED] Code Phone Date  
Christina Good

APPROVAL BLOCK

(FAR 6.304)

Upon the basis of the above justification, I hereby approve, as the Competition Advocate for the Procuring Activity, the solicitation of the proposed procurement described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304 (c)(1).

[REDACTED] Code Phone Date  
PATRICIA A. CANIGLIA  
COMPETITION ADVOCATE 8/21/12