

**JUSTIFICATION FOR
OTHER THAN FULL AND OPEN COMPETITION (JOFOC) -
HIV/AIDS EXPEDITED PROCEDURES PACKAGE (HIV/AIDS EPP)**

TO: Martin Fischer, OAA

CC: Agency Competition Advocate

FROM: Clint Cavanaugh, Activity Manager, Health Office, CTO

DATE: March 25, 2009

RE: Conference Call Contract 674-C-00-06-00017-00

SUBJECT: Justification for Other than Full and Open Competition under the HIV/AIDS Expedited Procedures (HIV/AIDS EPP)

We request approval of this justification for use of other than full and open competition pursuant to the authorities under the Action Memo "Expedited Acquisition and Assistance Procedures for USAID's Activities and Programs Related to the Prevention, Care, and Treatment of HIV/AIDS" (the "HIV/AIDS Expedited Procedures Package" or HIV/AIDS EPP), approved on February 14, 2008. Your approval of this JOFOC constitutes the justification for other than full and open competition as required by Tab 1 (D&F for the Authorization of Less than Full and Open Competitive Procedures in the Modification or Award of Contracts) of the Action Memorandum.

- a) The Contracting Officer is requested to approve the proposed Exception to Competition for the contract with Conference Call (Contract: 674-C-00-06-00017-00). This will be a modification – an extension of one year and an increase in Total Estimated Cost (TEC) – to an existing award.
- b) The Conference Call project had an original end date of May 21, 2009, and the one year extension will push the end date until May 21, 2010. The contract's original ceiling was for \$245,000.00. The TEC was increased in November 2008 by \$171,715.00 from \$245,000 to \$415,761.00. This additional funding of \$131,000.00 for the additional year will increase the TEC further to \$546,761.00
- c) AIDAR 706.302-70(b)(3)(ii) authorizes other than full and open competition based on a determination from the Administrator. The new HIV/AIDS Blanket Waiver entitled "Expedited Acquisition and Assistance Procedures for USAID's Activities and Programs Related to the Prevention, Care, and Treatment of HIV/AIDS," dated February 14, 2008, cites the required determination made by the Administrator for PEPFAR-funded acquisitions and authorizes other than full and open competition for the award of contracts or amendments thereto. Specifically, the new HIV/AIDS Blanket Waiver contains a determination from the Administrator for exceptions to

competition for HIV and AIDS programs, which include PEPFAR activities. The AAPD for this Blanket Waiver was issued on December 16, 2008.

AIDAR 706.203-70 and 40 U.S.C. §113; See Action Memorandum entitled "Expedited Acquisition and Assistance Procedures for Activities and Programs Related to the Prevention, Care, and Treatment of HIV/AIDS" approved February 14, 2008.

d) Conference Call excels in its field, with unequalled meeting organizer skills. They were the only offeror of the three organizations approached for the limited competition for this contract, which is testament to the lack of qualified organizations in this field located in South Africa. They are very familiar with the PEPFAR staff, specific PEPFAR meeting requirements, and the PEPFAR program in general. The time needed to award a new contract, in addition to the time required to acquaint a new group to the complicated workings of PEPFAR, would cause delays in activity implementation that would have a harmful impact on the PEPFAR program, especially as the Health Team has several pending requests for upcoming conferences.

e) By signing below, the Contracting Officer indicates that he has determined that the costs to the government of this procurement action are reasonable.

f) The initial award was made following limited competition among three organizations, which were selected based on their reputation, past performance, and the availability of organizations known to organize conferences and meetings. No further market research has been conducted as it was not practical to solicit any other source.

g) N/A

h) This project will be re-competed at the time the extended contract expires in May 2010. This competition will be open for any qualified local organizations that may have built up their capacity in the meantime to handle such a project.

RECOMMENDATION

It is recommended that you approve this justification for use of other than full and open competition pursuant to the Action Memorandum "Expedited Acquisition and Assistance Procedures for USAID's Activities and Programs Related to the Prevention, Care, and Treatment of HIV/AIDS", approved on February 14, 2008. Your approval of this JOFOC constitutes the justification for other than full and open competition as required by Tab 1 (D&F for the Authorization of Less than Full and Open Competitive Procedures in the Modification or Award of Contracts) of the Action Memorandum.

CERTIFICATION:

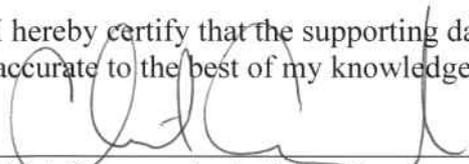
The requirement for technical certification at FAR 6.303-2(12) (b) is fulfilled through:

a. The signature of the Technical Officer below certifying the specific supporting data for this JOFOC; and

b. The Action Memorandum entitled "Expedited Acquisition and Assistance Procedures for USAID's Activities and Programs Related to the Prevention, Care, and Treatment of HIV/AIDS" approved February 14, 2008 (attached).

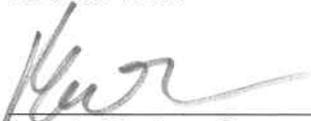
Technical Officer:

I hereby certify that the supporting data which form a basis for the justification are complete and accurate to the best of my knowledge and belief.


Clint Cavanaugh, Activity Manager

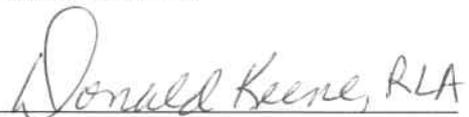
3/24/09
Date

APPROVAL:


Martin Fischer, Contracting Officer

3/24/09
Date:

CLEARANCE:


Donald Keene, RLA or GC/A&A

3/26/09
Date: