



ACQUISITION

SERVICES DIRECTORATE

Herndon

Justification For Other than Full and Open Competition D13PS00072: "Update of the Nursery Eligible Plant List and Plant Price Schedule (EPLPPS) and Associated Software For the 2015 - 2019 Crop Years"

This Justification for Other than Full and Open Competition (JOFOC) is being executed in accordance with 41 USC 2304 (c)(1) (FAR Part 6.302-1 "Only One Responsible Source and No Other Supplies or Service Will Satisfy Agency Requirements") as well as National Business Center (NBC) policy NBCM-ACQ-6900-0015, Version 5.0, "Policy for Review and Approval of Contract Actions," dated 5/15/2011.

1. Contracting Agency and Requiring Activity.

Contracting: Interior Business Center/Acquisition Services Directorate
381 Elden Street, Suite 4000
Herndon, VA 20170

Requiring: U.S. Department of Agriculture
Risk Management Agency
Product Administration & Standards Division
6501 Beacon Drive
Kansas City, MO 64133-4676

2. Nature of Action Being Approved.

A sole source contract with DataScape LLC to be awarded by the Acquisition Services Directorate (AQD) on behalf of United States Department of Agriculture (USDA) Risk Management Agency (RMA).

3. Description of Supplies or Services.

The purpose of this contract is to review and update information on prices for plants in containers equal to or greater than five-eighths inch in diameter but less than three inches in diameter and update the USDA Risk Management Agency's (RMA) Eligible Plant List and Plant Price Schedule (EPLPPS) database, Inventory Software, Appraisal Software, and Regional Office (RO) Plant Selection Software for the 2015 - 2019 crop years. The IGCE is \$3,408,973.29, which includes the base period plus four option periods.

The current contract, (N10PX18177) for the 2012 -2014 crop years, was awarded to DataScape, LLC, on March 19, 2010. This requirement was solicited under FAR Parts 12 and 13 on a non-competitive basis. The period of performance for this contract is March 19, 2010 through April 16, 2013.

The previous contract (1406-04-09-CT-21168) for the 2011 crop year was awarded to DataScape, LLC, on March 23, 2009. This requirement was solicited under FAR Parts 12 and 13 on a non-competitive basis. The period of performance for this contract was March 23, 2009 through April 16, 2010. DataScape has provided these services as a prime contractor or subcontractor since 1997.

The associated NAICS code for this acquisition is 541519, "Other Computer Related Services," with a small business size standard of \$25 million. The Product Service Code is D399, "Other IT Services".

Period of Performance for the Proposed Sole Source:

Base - Crop Year 2015

Date of Award to April 15, 2014

Option 1 Period - Crop Year 2016

January 17, 2014 to April 15, 2015

Option 2 Period - Crop Year 2017

January 16, 2015 to April 15, 2016

Option 3 Period - Crop Year 2018

January 18, 2016 to April 17, 2017

Option 4 Period - Crop Year 2019

January 16, 2017 to April 16, 2018

For most crops, the beginning and end of the crop year is based on when the crop is planted and when it is harvested. For nursery, since there is no set "planting" and "harvesting" date, the crop year is chosen based on when perils strike. The perils that do the most damage to nursery are freezes and hurricanes. Since freezes don't usually occur after April and hurricanes don't usually occur before June, a crop year of June 1 – May 31 was selected by RMA beginning with the 2007 crop year, which began on June 1, 2006.

The contract year is longer than the crop year and the calendar year because DataScape must begin working on the software packages and plant database for the contract year software (in this case it would be the 2015 crop year) more than a calendar year prior to the start of the crop year. The first software package DataScape makes available is the RO Plant Selection Software. The first round of that software must be ready to send to the Regional Offices by mid-late June 2013. In order to have that completed, DataScape must have a large portion of the plant names and prices inputted into the EPLPPS so the Regional Offices can select/de-select which plants they want to include/exclude from their regional plant lists. The contract base period will extend through a portion of the Option 1 period of performance because DataScape will be responsible for performing customer service for the 2015 crop year, which will overlap the Base period of performance with the first few months of the Option 1 Period. Similarly, the first few months of the Option 2 period of performance will overlap with the last few months of the Option 1 Period. This also applies to Option Periods 3 and 4.

The RMA's Nursery Crop Insurance Program provides crop insurance coverage to wholesale nurseries for field grown and container grown nursery plants. The key component of the nursery program is the EPLPPS, which lists each insurable plant and its assigned plant type, its insurable sizes, its insurability requirements, and the maximum insurable price for each size. The EPLPPS was developed and first issued by RMA in 1997 for the 1999 Crop Year. It is RMA's responsibility to ensure the EPLPPS database is updated annually for each succeeding crop year with new insurable plants and prices, and additional plant prices for existing plants. Other changes are made as needed to insurability requirements, information, and instructions contained in the EPLPPS.

The EPLPPS database lists all field grown and container grown wholesale nursery plants, which are insurable under the Nursery Crop Insurance Program. The EPLPPS is issued as eight separate books (PDF Books), with each book specifying insurable plants for one or more states. The EPLPPS lists base prices for each plant type and measurement method(s) insured under the type. A plant factor is listed for each applicable measurement method for each plant and is used to establish the maximum insurable price

of the plant. The EPLPPS also specifies hardiness zone limitations for all listed plants and storage protection requirements for container grown plants.

Three different software packages are used in conjunction with the EPLPPS. The Regional Office (RO) Plant Selection Software is used by RMA ROs to assist in updating the EPLPPS each crop year. The RMA ROs use this software twice each crop year to review current EPLPPS specifications and to change specifications if needed. The Inventory Software is used by crop insurance agents and insureds to determine plant insurability and the value of insurable plants in the nursery based on the EPLPPS. Finally, the Appraisal Software is used by loss adjusters to aid in the settlement of claims on losses incurred based on insurable plants in the nursery and prices in the EPLPPS.

4. Statutory Authorities.

This acquisition is conducted under the authority of 41 USC 2304 (c)(1) (FAR Part 6.302-1 "Only One Responsible Source and No Other Supplies or Service Will Satisfy Agency Requirements"). This acquisition utilizes FAR Part 12 and 15.

5. Rationale Supporting Use of Citation in No. 4.

Initially, the Government planned on soliciting this requirement competitively on a full and open basis. Following completion of a detailed review of the SOW and history of the project, it was determined that a competitive solicitation was not possible. The Government did not obtain data rights when the Nursery database and software were originally developed (1997-99). Any prospective offeror, other than DataScape LLC, would have to develop another database and associated software.

On behalf of USDA RMA, AQD awarded a contract to evaluate and to provide recommended improvements for the current nursery program, and to provide recommendations for alternative designs for providing crop insurance to nursery crops. The contract ended in July 2012. RMA is in the process of determining whether the recommendation for an alternative design, which does not require a sole-source contract to DataScape, LLC, would be viable as a new nursery program. If RMA determines the alternative design is viable as a new nursery program, a number of events must occur before the new nursery program is operational as a nationwide program. Those events are as follows:

- 1) RMA must solicit a second contract for development of the new nursery program, which is a process that can take, at a minimum, 18 months before a final deliverable would be received;
- 2) RMA must submit the new nursery program to the Federal Crop Insurance Corporation (FCIC) Board of Directors (Board) for approval, which is a process that can take 6 months or longer;
- 3) Contingent on the FCIC Board's approval, RMA must offer the new nursery program as a pilot program in a select number of states;
- 4) RMA must continue operation of the current nursery program, which requires a contract with a third party, such as DataScape, in the states where it is currently offered while the new pilot program is offered in a select number of states. The current nursery program is a regulatory program; And,
- 5) Before discontinuing the current nursery program, RMA must publish its intent to discontinue the current nursery program in the Federal Register, which gives the public an opportunity to comment on the discontinuation of the current nursery program. This process can take, at a minimum, 18 months. Discontinuing the current nursery program would be detrimental to those nursery producers who are operating in states where the pilot program is not available.

Since Option Period 1 for the contract resulting from this solicitation is scheduled to commence on January 17, 2014 for the 2016 crop year, the results of a second contract for development of the new

nursery program would be too late to implement and to award a competitive acquisition. Option Periods 2, 3, and 4 are included in case there is not enough time for RMA to determine and execute the most appropriate future course of action as it relates to events 2, 3, and 4 above and the requirements included in the current scope of work for the contract to be awarded to DataScape. RMA needs to continue the contract with DataScape to ensure there is no interruption of services to this insurance program.

6. Other Information. Provide any other facts supporting the use of other than full and open competition, such as:

N/A

7. Efforts to Identify Additional Sources.

A notice of intent was posted on FedBizOpps on November 29, 2012. No interest was expressed as a result of the notice. Also see point 5.

8. Future Plans to Permit Competition.

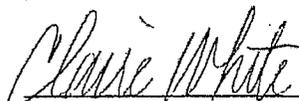
AQD issued a contract to evaluate and to provide recommended improvements for the current nursery program, and to provide recommendations for alternative designs for providing crop insurance for nursery crops. The contract ended in July 2012. The intent of this contract was to identify alternative designs to insure the nursery crop without having to provide maintenance and plant list updates as often. RMA is in the process of determining whether the recommendation for an alternative design would be viable as a new nursery program. The alternative design presented in the contract does not require a sole-source contract to DataScape, LLC (see Section 5 of this document).

9. Market Survey. Describe the market search, including:

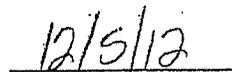
See No. 5.

10. Recommendation and Certification

Based on the above, I recommend that this acquisition be conducted on the basis of "Other than Full and Open Competition." I certify that technical data that is the responsibility of technical or requirements personnel and which form a basis for the justification are complete and accurate.



Claire White
USDA Risk Management Agency
Product Administration & Standards Division



Date

Concurrence:

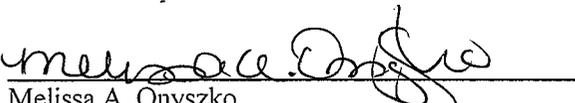
The Government anticipates receiving a fair and reasonable price for the work performed under the contract. All of the requirements of the FAR Part 6.302 have been considered in preparing this justification. This justification is accurate and complete to the best of my knowledge and belief.

Concur/Non-Concur


James Tessitore
Contracting Officer, IBC/ Acquisition Services Directorate

12-7-12
Date

Concur/Non-Concur


Melissa A. Onyszko
Contracting Officer, Team Lead, IBC/ Acquisition Services Directorate

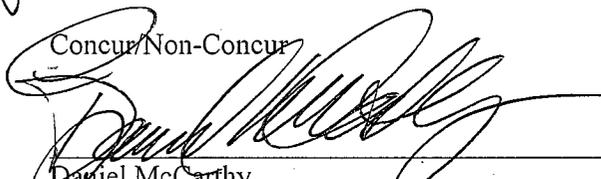
12-7-12
Date

Concur/Non-Concur


Robert P. Brown
Branch Chief, IBC/Acquisition Services Directorate

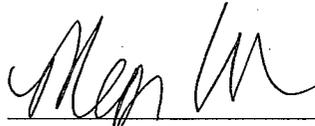
12-7-12
Date

Concur/Non-Concur


Daniel McCarthy
Division Chief, IBC/Acquisition Services Directorate

12-7-12
Date

APPROVE/DISAPPROVE


Megan Olsen
Competition Advocate, IBC/Acquisition Services Directorate

12/18/12
Date