



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF ADMINISTRATION
WASHINGTON, D. C. 20503

**T.2 JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
FAR 6.3 OTHER THAN FULL AND OPEN COMPETITION
PURCHASES EXCEEDING THE SIMPLIFIED ACQUISITION THRESHOLD (\$250,000)**

Requisition or Solicitation Number: OND-FY22-MEDIA

1. Identify the agency and the contracting activity.

Agency: Office of National Drug Control Policy (ONDCP)

Contracting Activity: Procurement and Contracts Management Division

2. Describe the action.

Describe the type of action, e.g., purchase orders or contracts for supplies or services. Also, identify the contract type, i.e., firm fixed price, time and materials, etc. Provide sufficient information so a reviewer can understand the proposed approach.

The Government requires National Media Campaign aimed at young adults to advance the President's Unity Agenda to beat the overdose epidemic by raising awareness about the dangers of synthetic drugs as well as how to prevent overdose deaths with naloxone. The campaign will be carried out through media advertising and social media influencer networks.

3. Describe the required supplies or services. Include an estimated value of the procurement, including options.

To assist ONDCP in fulfilling its National media campaign duties outlined in 21 U.S.C. §1708(f), the Government requires campaign support to target young adults by disseminating information on the lifesaving effects of the opioid antagonist Naloxone. The estimated value of the blanket purchase agreement (BPA) is \$3.0M.

4. Identify the Statutory Authority permitting Other than Full and Open Competition.

Cite the authority under one of the 7 exceptions listed under FAR 6.302, Circumstances permitting other than full and open competition. Check only the one statutory authority the contracting officer (CO) will use to justify the other than Full and Open Competition.

- F A R 6.302-1, Only one responsible source and no other supplies or services will satisfy agency requirements, including brand name or equal descriptions: When the supplies or services required are available from only one responsible source, and no other type of supplies or services will satisfy the Government's requirements; full and open competition need not be provided for in accordance with 10 U.S.C. 2304(c)(1) or 41 U.S.C. 3304(a)(1).

Government cannot find elsewhere and how the Government determined that an intended contractor possesses such qualities.

Explain the unique qualifications or special capabilities or features a brand name item possesses, the nature of the acquisition that requires the authority cited, and why no similar item will suffice.

- **FAR 6.302-2, Unusual and compelling urgency:** When the need for the supplies or services is of such an unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals, full and open competition need not be provided for in accordance with 10 U.S.C. 2304(c)(2) or 41 U.S.C. 3304(a)(2).

Describe the unusual or compelling urgency and provide an explanation of how Government use of conventional procurement procedures would result in an unacceptable delay to the Government. Provide data, estimated cost, or other rationale as to the extent and nature of the harm to the Government that would result from following competitive procedures.

Use of the unusual and compelling urgency alone does not justify a sole source procurement. Agencies must request offers from as many potential sources as is practicable under the circumstances and describe the efforts made to achieve these ends.

- **FAR 6.302-3, Industrial mobilization; engineering, developmental, or research capability; or expert services:** Full and open competition need not be provided for when it is necessary to award the contract to a particular source or sources in order:
 - (i) To maintain a facility, producer, manufacturer, or other supplier available for furnishing supplies or services in case of a national emergency or to achieve industrial mobilization;
 - (ii) To establish or maintain an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center; or
 - (iii) To acquire the services of an expert or neutral person for any current or anticipated litigation or dispute.

Reference 10 U.S.C. 2304(c)(3) or 41 U.S.C. 3304(a)(3).

- **FAR 6.302-4, International agreement:** Full and open competition need not be provided for when precluded by the terms of an international agreement or a treaty between the United States and a foreign government or international organization, or the written directions of a foreign government reimbursing the agency for the cost of the acquisition of the supplies or services for such government. Reference 10 U.S.C. 2304(c)(4) or 41 U.S.C. 3304(a)(4).

- **FAR 6.302-5, Authorized or required by statute:** Full and open competition need not be provided for when:
 - (i) A statute expressly authorizes or requires that the acquisition be made through

- another agency or from a specified source; or
- (ii) The agency's need is for a brand name commercial item for authorized resale.

Reference 10 U.S.C. 2304(c)(5) or 41 U.S.C. 3304(a)(5).

COs may use this authority when statutes, such as the following, expressly authorize or require that the Government make an acquisition from a specified source or through another agency:

- *Federal Prison Industries (UNICOR) 18 U.S.C. 4124 (see Subpart 8.6).*
- *Qualified nonprofit agencies for the blind or other severely disabled 41 U.S.C. Chapter 85, Committee for Purchase from People Who Are Blind or Severely Disabled (see Subpart 8.7).*
- *Government Printing and Binding 44 U.S.C. 501-504, 1121 (see Subpart 8.8).*
- *Sole source awards under the 8(a) Program (15 U.S.C. 637), but see 6.303 for requirements for justification and approval of sole-source 8(a) awards over \$22 million (see Subpart 19.8).*
- *Sole source awards under the HUBZone Act of 1997 - 15 U.S.C.657a (see FAR 19.1306).*
- *Sole source awards under the Veterans Benefits Act of 2003 (see 15 U.S.C.657f).*
- *Sole source awards under the WOSB Program - 15 U.S.C. 637(m) (see FAR 19.1506).*

- **FAR 6.302-6, National security:** Full and open competition need not be provided for when the disclosure of the agency's needs would compromise the national security unless the agency is permitted to limit the number of sources from which it solicits bids or proposals. However, this statutory authority still requires that agencies request offers from as many potential sources as is practicable under the circumstances. Reference 10 U.S.C. 2304(c)(6) or 41 U.S.C. 3304(a)(6).

This authority may be used for any acquisition when disclosure of the Government's needs would compromise the national security (e.g., would violate security requirements); it shall not be used merely because the acquisition is classified, or merely because access to classified matter will be necessary to submit a proposal or to perform the contract.

- **FAR 6.302-7, Public interest:** Full and open competition need not be provided for when the agency head determines that it is not in the public interest in the particular acquisition concerned. This authority may be used when none of the other authorities in FAR 6.302 apply. Reference 10 U.S.C. 2304(c)(7) or 41 U.S.C. 3304(a)(7).

The following apply:

- *A written Determination and Findings (D&F) by the head of the executive agency, to use this authority, shall be made in accordance with FAR Subpart 1.7, especially FAR 1.704, Content.*
- *The D&F shall be signed by the appropriate official in accordance with FAR 1.707, Signatory Authority, and this authority may not be delegated.*
- *Congress shall be notified in writing of such D&F not less than 30 days before award of the contract.*

- *If required by the head of the agency, the contracting officer (CO) shall prepare a justification in support of the D&F. However, even if the head of the agency waives the requirement for a justification in support of the D&F, the CO shall still prepare this justification in accordance with FAR 6.303, Justifications.*

5. Provide a statement demonstrating the unique qualifications of the proposed contractor or a description of the nature of the action requiring the use of the statutory authority cited above.

Provide the rationale for the checked statutory authority in Item 4 in the text box below.

A. Statutory Obligations, and Immediate Public need

In accordance with 21 U.S. C. § 1708(f)(1)(d) ONDCP will implement a media campaign that will, among other things, encourage individuals and families affected by synthetic drugs, such as illicit Fentanyl, to use the lifesaving treatment intervention naloxone, when faced with an overdose.

According to the provisional data released by Centers for Disease Control and Prevention (CDC) National Center for Health Statistics on May 11, 2022 indicate there were an estimated 107,622 drug overdose deaths in the United States during 2021. The current data averages out to about 294 American lives lost due to overdose on a daily basis. The problem is getting worse each year. The 2021 data of 107,622 drug overdose deaths represents 15% increase from the 93,655 drug overdose deaths that occurred in 2020. Unfortunately, each calendar year a new record high of American lives lost is broken.

As further detailed information, according to the CDC, 91,799 people died from a drug overdose in 2020. Twenty percent (or 18,746) of these deaths affected those 18-30 years old, a rate 16 percent higher than the national average. Since 2018, the rate of drug overdose deaths among this age group has risen 37 percent. Also, according to the CDC, in 2021, it's provisionally predicted that 19,792 people age 18-30 years old died from a drug overdose. Of these deaths, 79 percent (or 15,611) involved fentanyl or synthetic opioids other than methadone (SOOTM), 27 percent (or 5,276) involved methamphetamine or other psychostimulants with abuse potential (PWAP), and 19 percent (or 3,673) involved cocaine.

As well, according to the 2020 National Survey of Drug Use and Health (NSDUH), it's estimated that 37 percent of people aged 18-25 used an illicit drug in the last year, a rate of use 73 percent higher than those aged 12 and over and 86 percent higher than those aged 26 and over. This difference expands for current illicit drug use within the past month with twenty-four percent of people age 18-25 reporting illicit drug use, which is a rate of use 77 percent higher than the rate for those aged 12 and older and 90 percent higher than those aged 26 and older.

Fentanyl remains the primary driver behind the ongoing opioid crisis, with fentanyl involved in more deaths than any other illicit drug. According to the December 2019 Department of Justice, National Drug Threat assessment report, Fentanyl and other synthetic opioids are widely available throughout the Great Lakes, Midwest, and the Northeast areas of the United States. The two primary sources of the fentanyl are Mexico and China, where drug traffickers produce fentanyl and other synthetic opioids in clandestine operations. Fentanyl is smuggled into the United States across the Southwest Border as well as through international mail and express consignment shipping services, primarily in powder and counterfeit pill form, indicating clandestinely produced fentanyl as opposed to pharmaceutical fentanyl. Increases in fentanyl containing counterfeit pills and related fentanyl pill pressing operations in addition

to other novel preparations demonstrate traffickers' continued efforts to expand the fentanyl user base.

Fentanyl traffickers use fentanyl powder and pill presses to produce pills that resemble popular Food and Drug Administration approved prescription opioids, such as oxycodone and hydrocodone, and other popular prescription drugs, such as alprazolam. According to research from The Partnership for Safe Medicines (PSM), as of January 2019, 46 states had encountered fentanyl-containing counterfeit pills since 2015. These operations are popular since traffickers can invest in as little as a kilogram of fentanyl powder and produce hundreds of thousands of counterfeit fentanyl-containing pills to generate large amounts of revenue. Domestic clandestine pill press operators usually purchase already synthesized fentanyl and FRS in powder form, in addition to pill presses available from China, to create counterfeit pills intended for street sales. According to the Drug Enforcement Administration's Fentanyl Fact Sheet, 2 milligrams of fentanyl can be deadly.

Considering the life-or-death implications directly attributed to ONDCP's requirement to fulfill its mission critical Demand Reduction duties, the agency does not have to privilege to delay this campaign by engaging in full and open competition. ONDCP has conducted market research to identify potential companies that possess the required experience and knowledge to provide media support needed. In conclusion, ONDCP determined The Advertising Council is the best suited company to fulfill the agencies immediate needs based on serious number of questions provided to obtain capability statements, and criteria to evaluate the best company to provide the required needs.

B. Unique Qualifications

The Advertising Council is a non-profit organization that was established in 1942 to provide public service advertising expertise for the federal government and other national non-profit organizations. The Advertising Council has expertise in securing donated media to promote the use of Public Service Announcements (PSAs) by the various media outlets, and to deliver critical messages to the American public. The Advertising Council has a current campaign on the benefits of Naloxone. With their established framework, The Advertising Council can immediately provide an avenue to meet agency's obligations, fulfill public needs by disseminating targeted information, and ultimately curtail the deadly impacts of illicit fentanyl.

i. Partnership and Relationship Engagement.

The Advertising Council has historically been able to secure \$20-30 million of donated pro bono media for each general market campaign per year. Also, the ability to receive the amounts of pro bono media offered by The Advertising Council provides extraordinary government savings and efficiency.

The Advertising Council has an established, regularly convened standing organization of representatives ("board") of over 120 major media and other industry leaders. The board manages and advises the Advertising Council, but also demonstrates the access to key industry representatives. Through these relationships, The Advertising Council has both an existing capacity, but also a regular channel of communication that allows the proposed vendor to reach back to the industry representatives and provide both access into media outlets, companies, and other organizations that will allow greater distribution of the advertising campaign. The potential outreach and access to those organizations provides the campaign quicker and easier access for campaign distribution.

As such, its abilities to capitalize on the board allows for the distribution of Public Service Announcements (PSAs) to diverse media and other entities (news, sports, social media, etc.), which provides access to media markets that would not otherwise be available on a pro bono basis. This allows for further distribution and reach of the campaign to achieve the multi-channel saturation that is not available from other entities.

Through these existing well-established relationships, The Advertising Council uses pro bono resources from over 30 high-caliber advertising agencies who can donate their services (ideas, expertise, and time). The ability to receive the scale and scope of pro bono donated media from these advertising agencies is exclusive to The Advertising Council, but also represents a truly unique opportunity for the government. No other entity has the ability to leverage its relationships at the national level to capitalize on donated media and other organizations at this scale.

Working with The Advertising Council will allow the federal government to capitalize on existing media organization relationships and established national networks. Instead of simply calling companies or “knocking on doors,” the existence of the board’s network allows a direct link to additional markets that would not be otherwise available. As both access, networking, and timeliness are factors in this procurement, the proposed vendor’s ability to provide this direct link is a unique resource that no other company has the potential to utilize. The Advertising Council’s 70+ year history of collecting earned media is unsurpassed and a testament to the longevity of the relationships and business model.

In addition to the ability to capitalize on relationships, The Advertising Council also covers all 210 Nielsen media markets, and has a unique distribution structure that leverages well-established relationships to reach a network of over 33,000 media outlets and public service directors nationwide.

ii. Campaign Oversight and Execution.

The Advertising Council owns a key piece of proprietary software. PSA Central™ is The Advertising Council’s own digital ad delivery platform that provides instant access to media companies. The software has a long history as the predominant source for media distributors to collect and promote public service announcements. The Advertising Council’s use of PSA Central™ is a unique resource that allows a government ad campaign to capitalize on existing resources and leverage the nation’s largest PSA library as a distribution channel.

iii. Campaign Monitoring: Tracking of PSAs.

The Advertising Council has existing contracts with leading media monitoring, data tracking and sentiment analysis software. They use Extreme Reach, SQAd, CircleGraphics, DoubleClick, Nielsen, Media Monitor, Subject Matter, Meltwater, PR Newswire, and Crimson Hexagon. They also have self-developed software to take raw creative assets (ex. a 10 second Twitter ad, an 8 second Facebook video and a 90 second Facebook video or a broadcast 60 second PSA video) and seamlessly transmit it to 3rd party via API interface and embedded tracking. Additionally, The Advertising Council’s real-time analytics tool, BEAT, integrates dozens of data sources into one database to create a holistic view of the campaign custom to the goals, objectives and stated campaign outcomes. The Advertising Council’s use the above custom and standard tools will allow the campaign to scale quickly and provide the necessary data feedback to adjust and optimize efficiency. This greatly enhances the Government’s ability to ensure the campaign is reaching the targeted audience and make rapid changes where necessary.

Obtaining media space and creative services at market costs would be cost prohibitive to the Government. The Advertising Council ability to timely and effectively reach market saturation in order to achieve national awareness of the opioid epidemic is why it stood out from the rest of the companies. Based on the unique tools, capabilities, market reach, and pro bono services and media, no other company is able to meet the Government's requirement outlined in 21 U.S. C. § 1708(f).

- 6. Provide a description of efforts to ensure that offers were solicited from as many potential sources as practicable. Include whether or not an announcement was made and what response, if any, was received as per FAR Subpart 5.2, and, if not, which exception under FAR 5.202 applies.**

The justification should normally be prepared after the requirements notification is posted to allow the Program Office an opportunity to examine the results of industry inquiries and reach a conclusion concerning the potential degree of competition. If the Program Manager (PM) prepared the JOFOC prior to satisfying the synopsis requirement, state the reasons. Include a description of the efforts by the PM and CO to ensure that offers are solicited from as many potential sources as possible.

When an acquisition contains brand name specifications, the CO shall include with the solicitation the justification or required documentation. See FAR 5.102(a)(6) for the requirement to post the brand name justification.

No Sources Sought or Request for Information was posted. The contracting authority for this procurement is 21 U.S.C. § 1708(f)(2)(vi). ONDCP contacted 11 media and marketing companies throughout the course of the market research. The draft statement of work and a questionnaire was issued to each company by email. Each company was asked to respond in writing. ONDCP received a total of six (6) written responses.

- 7. The CO must determine that the anticipated cost to the Government will be fair and reasonable.**

Provide the anticipated dollar value of the proposed acquisition including options, if applicable, and a narrative of the measures performed by the CO to ensure the costs or prices will be fair and reasonable before negotiations begin. Provide any information, such as commercial pricelists or prior acquisition history that will help determine that anticipated costs or prices are fair and reasonable. Begin this paragraph with a sentence similar to: "The CO has determined that the anticipated cost(s) or price(s) are fair and reasonable based on...." By signing this justification, the CO has made a determination that the costs/prices to the Government are expected to be fair and reasonable.

The total value of the proposed acquisition is \$3.0M. The price quote will be evaluated using one or more of the techniques defined in FAR Part 15.404 in order to determine if they are fair, reasonable and complete. Reasonableness is established through cost and price analysis techniques as described in FAR 15.404. A comparison of proposed costs or prices with costs or prices for similar services will be performed

to ensure prices are fair and reasonable. Furthermore, pricing supporting documentation will be requested from the vendor to ensure prices are justified. The services are commercial in nature and prices will also be compared to other established prices to ensure fair and reasonable pricing.

8. Provide a description of the market research conducted (see FAR Part 10) and the results or a statement as to why such market research was not conducted.

Market research requires the collection and analysis of product or service information on the technical capabilities and prices or costs within a marketplace to satisfy the Government's needs. If the PM has not conducted market research, provide the reason(s) why market research was not performed.

When citing 6.302-1, Only one responsible source, the only way to assert in Item 5 of this Justification that there is only one contractor who can fulfill the Government's needs is to conduct market research and summarize the results and findings below.

The ONDCP conducted market research and identified 11 potential companies for this effort. This research demonstrated that the Advertising Council (a Large Business and a nonprofit organization) has the ability to provide the services covering the breadth and depth of expertise required to conduct all the activities described above. The Advertising Council has assembled a group of specialists that can provide the full suite of services required by the ONDCP. The Advertising Council is the only entity that has an extensive network of media contacts as well as existing campaign experience on issues of synthetic drugs and harm reduction, which would seamlessly provide the much-needed support for the ONDCP without any ramp-up time or additional staffing tasks.

9. Provide any other facts supporting the Justification of other than Full and Open Competition.

- a. Explain why technical data packages, specifications, engineering descriptions, statements of work, or purchase descriptions are not suitable for Full and Open Competition and why they were not developed or were/are not available.
- b. When the PM references FAR 6.302-1, follow-on acquisitions, as described in FAR 6.302-1(a)(2)(ii), provide an estimate of the cost to the Government that would be duplicated and how the estimate was calculated.
- c. When the PM references FAR 6.302-2, unusual and compelling urgency, provide data, estimated cost, or other rationale as to the extent and nature of the harm to the Government.

Provide the rationale in the below text box, based on the above categories or other justification.

Considering the life-or-death implications directly attributed to ONDCP fulfilling its mission critical Demand Reduction duties established by 21 U.S.C. § 1703(a)(1)(D), The ONDCP has identified an immediate and effective solution to the overdose epidemic is the Food and Drug Administration (FDA) approved Naloxone. Naloxone is an opioid antagonist that binds to the brain's receptors, and has the capability to actually reverse an overdose and asphyxiation in real time. In order to provide quick

support to the life-or-death implications directly attributed to ONDCP, the agency does not have the privilege to delay this awareness campaign by engaging in full and open competition.

On average, 294 American's are dying each day by overdose, which could be prevented with the right knowledge and information. The Advertising Council is currently carrying out a national media campaign targeted at youth and young adults about the dangers of fentanyl and how to prevent overdoses, including with naloxone. As a result, the Advertising Council will be able to utilize their current audience research, relationships, and knowledge of these topics from their existing Youth Fentanyl Awareness campaign efforts to more quickly and efficiently bring ONDCP's campaign to market.

The Advertising Council has expertise in securing donated media to promote the use of Public Service Announcements (PSAs) by the various media outlets, and to deliver critical messages to the American public through social media partnerships.

The Advertising Council's Creators for Good are celebrity influencers who serve as trusted messengers to engage the audience in an authentic and relatable way, a tactic that is especially key with younger populations. In recent campaigns about COVID-19 vaccines, The Advertising Council further demonstrated their ability to leverage micro-influencers, partnering with community leaders at the local level in areas with higher rates of vaccine hesitancy. The Advertising Council's extensive partnerships with social media outlets and macro and micro influencers will also be a strong asset in reaching youth.

The Advertising Council also has significant experience engaging the target audience of youth and young adults. In addition to the current campaign on fentanyl awareness, their work with youth and young adults includes: suicide prevention, teen bullying prevention; underage drinking and driving, texting and driving prevention, and buzzed driving prevention.

10. List the sources, if any, which expressed a written interest in the acquisition.

The following responded to request for capabilities statements, consisting of questionnaire to help identify best candidate to provide required support to the ONDCP: A Bright Idea; Crosby Marketing; Red Carrot; The Advertising Council; Ignited; and Hirons.

11. Provide a statement of any actions the agency may take to remove or overcome any barriers to competition before any subsequent acquisitions for the supplies or services required.

Describe actions the PM and the CO will take to remove or overcome any barriers to competition before initiating any subsequent acquisitions for the supplies or services required, including challenges to restrictive data markings, data rights, preparation of a performance-based work statement, and etc. If planning a competition, include the estimated date when the competitive procurement will occur.

The Government will continue to look for possible companies for future requirements, and ensure adequate planning is established to ensure competition is executed to maximum extent possible.

Certifications and Approval

Acquisition Initiator:

To the best of my knowledge and belief I certify that this justification, including its supporting data, is complete and accurate in accordance with FAR 6.303-2(c).



Signature

Martha M. Gagne

Name

Assistant Director, Operations

Title

9/14/2022

Date

Contracting Officer (< \$700,000):

To the best of my knowledge and belief I certify that this justification is accurate and complete in accordance with FAR 6.303-2(b) (12).

Signature
Anil Nayak *Anil Nayak*

Name

Contracting Officer

Title
9/14/2022

Date

Higher-Level Reviews, Certifications, and Approval

Activity Advocate for Competition (> \$700,000 and < \$13.5 Million):

To the best of my knowledge and belief I certify that this justification is accurate and complete in accordance with FAR 6.304(a)(2).

_____ Signature	_____ Title
_____ Name	_____ Date

Head of Contract Activity (> \$13.5 Million and < \$68 Million):

To the best of my knowledge and belief I certify that this justification is accurate and complete in accordance with FAR 6.304(a)(3).

_____ Signature	_____ Title
_____ Name	_____ Date

Senior Procurement Executive (if > \$68 Million):

To the best of I certify that this justification is accurate and complete in accordance with FAR 6.304(a)(4).

_____ Signature	_____ Title
_____ Name	_____ Date