

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
NCA Contracting for Ft Bayard Grounds Maintenance Contract

Background:

The Department of Veterans Affairs (VA), through the National Cemetery Administration (NCA) manages, oversees and contracts to support National Cemeteries across the US, including upkeep and maintenance of cemeteries and grounds. These facilities include standard burials, columbaria, cremations, and all kinds of final, funerary services to provide the final respect America's veterans have earned. Not all National Cemeteries are near population centers with robust marketplaces for readily obtaining vendors to provide the necessary cemetery services, including headstone alignment, maintenance and cemetery operations in general.

NCA requires a temporary vendor to provide grounds and burial services for Ft Bayard National Cemetery which is located near Silver City, New Mexico.

The Government intends to negotiate a three month bridge contract, subject to the availability of appropriated funds, with Native Contractors Inc. to provide janitorial, burial, grounds, headstone setting, and sunken grave repair services at the following National Cemetery:

Ft Bayard National Cemetery; 200 Camino De Paz; Fort Bayard, NM 88036

- (1) **Nature and/or description of the action being approved.** This is a request for an emergency sole source award to an SDVOSB vendor, Native Contractors, Inc, to work until an award to a vendor procured through regular procurement methods can be made. The Period of Performance should be three months from November 18, 2013 through February 17, 2014.
- (2) **A description of the supplies or services required to meet the agency's needs (including the estimated value).** The requirement includes interments, mowing, trimming, headstone setting, janitorial services, irrigation maintenance, sunken grave repair, flag setting, and raise and realign services with an estimated cost of \$67,907.00 for the three months.
- (3) **An identification of the statutory authority permitting other than full and open competition**
 - b. **Unusual and Compelling Urgency (FAR 6.302-2, 6.303-2(a)(9)(ii))** Services are needed at once because the need to continue on with the essential requirements of burial and headstone setting services that are needed at once, e.g., to preclude impairment of benefit delivery capabilities and mission performance. This also will maintain compliance with the VA handbook stating headstones must be installed within 10 days of delivery from the headstone/engraving firms.
- (4) **A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.** This Contractor is extremely familiar with NCA Standards as well as burial requirements. They are one of our best Contractors. Additionally, they have two employees who live nearby and have toured the Cemetery to research the requirement. The vendor has also agreed to hire the present foreman as he has complete knowledge of the job and since he is local will save the Government money as he will not need housing.
- (5) **A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.** Sources sought: Title 38 U.S.C. 8127 (b),(c) and (d) provide the authority for Department of Veterans Affairs (VA) contracting officers (COs) to make awards to Service-disabled Veteran-owned small business (SDVOSB) firms. This is such a vendor. Even so, this for a bridge contract of no more than 90 days during which a solicitation will be out on FBO for Full and Open Competition after Exclusion of Sources with the set-aside being 100% for SDVOSB.

These services are provided by many vendors used by NCA; however, the location has made finding a vendor a difficult task. The unique requirements of this temporary award- isolated location, knowledge of

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NCA standards and less than 90 day award makes it practicable in awarding to a local vendor who happens to be one of our best SDVOSB vendors.

(6) **A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.** The prices will be compared to the present vendor's as well as other comparable contracts. In addition Native Contractors Inc. has a reputation for fair pricing. Sometimes it is above the mid-range, but usually that is due to their attention to the details in the SOW and taking everything into consideration while other vendors do not. In addition this vendor has the costs of mobilization without the ability to spread the costs over a normal contract term.

(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.** There has been a pre-solicitation notice out for this requirement. In addition to Native, who will be the temporary sole source, three other vendors have expressed interest in submitting proposals showing that the upcoming replacement contract will have competition.

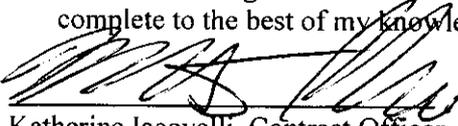
(8) **Any other facts supporting the use of other than full and open competition, such as:**
Ft Bayard is in South Dakota in a very rural area and is three hours away from Ft Bliss. Ft Bliss does not have the manpower or dollars to send employees to Ft Bayard to do the necessary work. In the past it has been very hard to find vendors. The present vendor is a Small Business instead of SDVOSB or VOSB. The need to not exercise the Option followed by the government shut down made it necessary to give the vendor an extension which has covered the work, but very poorly and with more examples of bad behavior. This vendor needs to be removed immediately, but due to the burial CLINs, the Cemetery cannot be left without a Contractor.

(9) **A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.** See Section 3 above. However, these are the vendors who responded to the longer term listed in the pre-solicitation: Native Contractors, Inc.; Turn 2 Services, LLC; Evergreen Lawn Service; Southwest General Construction, Inc

(11) **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.** The pre-solicitation notice has been out on FBO since October 31, 2013 in preparation to putting out the solicitation as soon as the required documents arrive from the MSN.

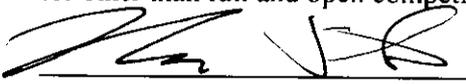
(12) **Approvals in accordance with FAR 6.304**

a. Contracting Officer's Certification (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


Katherine Iacovelli, Contract Officer
Central Contracting Service- Stafford

11/22/13
Date

b. Chief of Contracting (Required \$3K and above): I certify the justification meets requirements for other than full and open competition.


Robelto Joshua, Chief of Contracting
Central Contracting Service- Stafford

11/29/13

Date