

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

Department of Veterans Affairs, VISN 2, Buffalo VA Medical Center

The Buffalo VAMC, through NCO 2, is submitting, for the proposed contract action, a "Justification for Other than Full and Open Competition" for relocating a compactor. Project Number 528A6-14-S14; 2237: 528-14-1-4192-0015.

2. Nature and/or Description of the Action Being Processed:

In accordance to FAR 6.302-1(a), the services required are only available from one source. The Buffalo VAMC has a current contract, VA528-P-0864, with Modern Disposal Services for the labor, equipment, materials, and travel necessary for solid waste removal. The compactor is contractor owned equipment and the current contract with Modern Disposal Services does not include relocations. Due to an on-going construction project, Medical Waste Trailer, the compactor has to be temporarily relocated to another area. If the compactor is left in its current location, the construction work related to the medical waste trailer will be unable to continue.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

Provide all labor and materials to relocate the existing contractor owned compactor at the Buffalo VAMC. The scope of work includes preparing the new site to accept the contractor by providing steel plate, guide rails, stops, etc. After the work is completed for the Medical Waste Trailer project, the compactor shall be returned to its original location. The estimated value of this work is \$11,170.

4. Statutory Authority Permitting Other than Full and Open Competition:

- (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- () (2) Unusual and Compelling Urgency per FAR 6.302-2;
- () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- () (4) International Agreement per FAR 6.302-4
- () (5) Authorized or Required by Statute FAR 6.302-5;
- () (6) National Security per FAR 6.302-6;
- () (7) Public Interest per FAR 6.302-7;

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

The Buffalo VAMC has a current contract with Modern Disposal Services for labor, equipment, materials, parts, supervision, and travel necessary for solid waste removal (VA528-P-0864). As part of this contract, Modern Disposal Services provides a compactor that is located at the Buffalo VAMC. Since the contractor owns the equipment, they are the only party that has the legal authority to relocate it.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

The original contract with Modern Disposal Services was competed under full and open competition procedures. Since this procurement is less than \$25,000, a sources sought synopsis was not posted to FedBizOps.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

The proposal from Modern Disposal Services will be compared and analyzed against the independent government estimate. The IGE was prepared using current market prices and means for the construction services.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

Market research has not been conducted. The current contract for solid waste removal, VA528-P-0864, is currently in its second option year. The services under the contract have been satisfactory. Since the compactor is contractor owned equipment, the VA cannot have another entity relocate the compactor.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

Refer to number 5 above

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

None

11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:**

In the future the VA may elect to purchase a compactor. If the compactor was VA owned equipment, potential relocations could be solicited as full and open competition.

12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

Jeffrey Reberholt
Acting Facility Manager
Buffalo VAMC

Date

13. **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.

Cheryl Brimmer
Contracting Officer
NCO 2

11/19/2013

Date

b. **Quality Assurance (QA) Manager (Required \$3K and above):**

I concur/not-concur that the justification meets requirements for other than full and open competition.

Mary Ellen Haefner
Procurement Analyst
NCO 2

Date

c. **Construction Team Leader's Certification** I certify the justification meets requirements for other than full and open competition.

Jason V. White
Supervisory Contract Specialist
NCO 2

Date