

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval For
Other Than Full and Open Competition**

546-14-1-6591-0034 – Restore O.S.A.C. and Install Store Front Windows

1. Contracting Activity:

The Department of Veterans Affairs, Veterans Health Administration, Service Area Office East, Network Contracting Office 8, Construction Team 1, for the Miami VA Healthcare Systems, Bruce W. Carter Medical Center.

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

This is a request for other than full and open competition for the procurement of construction services to restore the Outpatient Substance Abuse Clinic (O.S.A.C.) and install store front windows.

Proposed award for this requirement is to Megawattage Generator, a verified Service Disabled Veteran Owned Small Business (SDVOSB) concern.

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

This requirement calls for all labor, supervision, equipment, material and all other resources required to provide construction services to restore the O.S.A.C and install 2 store front windows for the security of VA personnel. The project includes removal of existing roll down windows and counters, preparation of openings, installation of storefront windows, microphones, speakers and restoration of the area, to include framing, drywall, and paint.

The Independent Government Estimate for this project is \$13,750.00.

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

Authorized or Required by Statute, Far Part 6.302-5, 41 USC§253(c) (5) and 10 USC §2304 (c) (5).

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

Authorized by statute under the authority of 38 USC §8127-§8128 (Sections 502 and 503 of Public Law 109-461, December 22, 2006, FAR Part 6.302-5(b) (6), and VAAR 819.7007 Sole Source awards to service disabled veterans-owned small business concerns.

- (a) A contracting officer may award contracts to SDVOSB concerns on a sole source basis provided:

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- (1) The anticipated award price of the contract (including options) will not exceed \$5 million;
 - (2) The requirement is synopsisized in accordance with FAR part 5;
 - (3) The SDVOSB concern has been determined to be a responsible contractor with respect to performance; and
 - (4) Award can be made at a fair and reasonable price.
- (b) The contracting officer's determination whether to make a sole source award is a business decision wholly within the discretion of the contracting officer. A determination that only one SDVOSB concern is available to meet the requirement is not required.

The anticipated award amount is less than \$15,000.00. A special notice announcing the contract action will be posted to FEDBIZOPPs upon approval of this Justification For Other Than Full and Open Competition.

A separate determination of the contractor's responsibility has been made in accordance with FAR 9. A sole source award is proposed pending negotiation of a fair & reasonable price.

Megawattage Generator, DBA ZUTO, is a verified SDVOSB and is currently mobilized onsite for a design-build project awarded to the company this fiscal year. A site utilization plan has been approved and is in-place. The company has already completed the design on that project and is near completion on the construction portion. Additionally Megawattage has successfully completed numerous projects that the Miami VA Medical Center, all within stringent time constraints.

It is expected the VA will realize reduced mobilization cost on the proposed award as a result of Megawattage being onsite. It is also expected that the VA will realize reduced administrative cost as a result of Megawattage utilizing the in-place project manager on the two projects and by being able to award this requirement expeditiously. The CO is recommending an SDVOSB sole source to Megawattage based on the aforementioned.

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

While there are other contractors in Vetbiz.gov, a determination that only one SDVOSB concern is available to meet the requirement is not required per the authorities cited in paragraph 5.

The Contracting Officer has determined that Megawattage Generator, DBA ZUTO, is qualified as a SDVOSB; and will provide excellent construction services based on the company's past performance on various projects completed at the Miami VAHS, Bruce W. Carter Medical Center.

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

Based on the authorities cited in this justification, a sole source award to subject contractor is proposed pending negotiation of a fair & reasonable price. It is expected negotiations with result in a cost which compares favorably to the independent Government Estimate.

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

The VIP database was queried in accordance with VAAR 810.001, Market Research policy. Megawattage Generator is listed in the VIP database along with other multiple SDVOSB concerns.

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

Per authorities cited in paragraph 5, the contracting officer's determination whether to make a sole source award is a business decision wholly within the discretion of the contracting officer.


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

No sources have expressed, in writing, an interest in this acquisition.

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:

Any future SDVOSB sole source awards in the best interest of the VA will be rotated to other SDVOSB's determined responsible.

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.


Henry D. Cox
Building Maintenance Foreman, Engineering

11/21/13
Date


Sayed Y. Sanjari
Chief, Engineering Service

11/21/13
Date

13. Approvals in accordance with Public Law 109-461: Veterans First Program

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

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man@va.gov

Digitally signed by
elissa.goodman@va.gov
DN: cn=elissa.goodman@va.gov
Date: 2013.11.20 15:13:00 -05'00'

Elissa Goodman
Contracting Office
SAO East, NCO- 8, Construction Team 1

11/20/2013

Date

- b. **Product Line Supervisor (PLS): <\$150,000.00** - I certify the justification meets requirements for other than full and open competition.

Edward F. Schuman
Contracting Supervisor
SAO East, NCO-8, Construction Team 1

11/21/2013

Date

- c. **DNCM/NCM: >\$150,000.00** - I certify the justification meets requirements for other than full and open competition.

NOT APPLICABLE FOR THIS REQUIREMENT

Raymond McCain
Deputy Network Contracting Manager
SAO East, NCO-8

Date