

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval For Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 21, for Veterans Affairs Palo Alto Health Care System (VAPAHCS) for purchase request 640-14-3-5043-0025, waste management services for Livermore.

2. **Nature of the Action Being Processed:**

VAPAHCS requires a new contract to provide for waste management services for its medical facility in Livermore, California, which is located in Alameda County. The address for the facility is 4951 Arroyo Road, Livermore, California 94550.

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

VAPAHCS requires a contractor to provide all necessary supervision, personnel, material, equipment, and services to provide collection, removal, and disposal services for solid waste (non-hazardous materials), and recyclable materials. The contractor must provide the services in accordance with any applicable Federal, State, County, and City laws, rules, and regulations governing collection and disposal of waste and recyclable materials. The period of performance for the base contract will be April 10, 2104 through September 30, 2014, with four option year periods through September 30, 2018.

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

Statutory Authority for this Justification and Approval is 41 U.S.C. 253(c), or 38 U.S.C. 8153 as implemented by FAR 6.302-1 Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

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 City of Livermore, Alameda County has entered into an exclusive Memorandum of Understanding (MOU) effective November 6, 2012, that provides that the only company authorized to provide waste management services throughout Alameda County is Livermore Sanitation Inc. Pursuant to Section 6.40.280 of the County General Ordinance Code, the County Board of Supervisors established and entered into a franchise agreement for the collection of solid waste, compostable materials, and recyclable materials within a County Collection Service Zone. Under this MOU, Livermore Sanitation Inc. is the only company authorized to provide waste collection services in the area in which VA Palo Alto's Livermore facility is located. The duration of the MOU is longer than the duration of a resulting contract for the purchase request described herein.

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

Only one source is available, because the MOU that has been established in Alameda County is solely with Livermore Sanitation, Inc. There are no other sources for this service.

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

The Contracting Officer will take steps to ensure that the prices established in the resulting contract are considered fair and reasonable. The County of Alameda has already established rates with Livermore Sanitation, Inc. for rates that it has determined is fair and reasonable. Notwithstanding the County's determination, the Contracting Officer will make a separate determination of the same.

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

NCO 21 was notified of the MOU on or about July 2013 after receiving a letter from the Alameda County Community Development Agency. Since that time NCO 21 has conducted market research to determine the nature of the agreement and see if it applies to federal contracts. No further market research was conducted and determining that the MOU applies to federal contracts.

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

No additional facts supporting the use of Other than Full and Open Competition are available.

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

Livermore Sanitation Inc. has expressed its willingness to provide the service to VAPAHCS.

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:

The authority of the Memorandum of Understanding lies with the County of Alameda and its County Board of Supervisors. The federal government is not involved with the selection of commercial vendors for this service. Thus, there is no method by which the federal government can increase competition for this service in the future. Given the authority to enter into the MOU rests with the County of Alameda, there is no action available to the agency to remove barriers to competition for this requirement.

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.




Vanita R. Westbrook
Assistant Chief, EMS
VA Palo Alto Health Care System

02-05-2014

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.



Mark J. Mikus
Contracting Officer
Network Contracting Office (NCO 21)

Date 2-18-14