

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

**1. Contracting Activity:**

Department of Veterans Affairs  
Aleda E. Lutz VA Medical Center  
VISN 11 Contracting Department  
1500 Weiss Street  
Saginaw, Michigan 48602

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

Justification for Other Than Full and Open Competition solely sourced to J.R. Conkey to replace domestic water and nitrous piping Building 1 Aleda E. Lutz VA Medical Center, Saginaw, MI. Replacement of mechanical piping will be awarded as a new firm-fixed-price contract under purchase request (655-14-2-6132-0047).

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

Contractor shall remove and replace existing domestic water lines, sanitary lines and storm lines. Contractor shall renovate restroom and locker rooms based on the revised floor plan drawings as provided and replace flooring as indicated on drawings. Provide complete nitrous system as shown on floor plans. The period of performance for the work is 120 calendar days after receipt of Notice to Proceed.

VA Form 10-6238 Independent government estimate is provided for a breakdown in services and supplies. Material and labor necessary for completing the replacement of mechanical piping, glycol feed system, flooring, and nitrous piping are estimated at a value of \$250,447.31. Delivery of materials is being requested as soon as possible and period of performance is 120 calendar days from official notice to proceed.

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

- ☐ (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):**

Fully functioning domestic water and nitrous systems are essential to performing successful surgical procedures. Without the replacement and construction of these systems, surgery cannot be performed within the suite. Any delay in award will result in the government accruing substantial financial costs to perform surgeries elsewhere.

The available work space only allows for one company to occupy the space at one time. If two different companies were awarded the contracts, the work would not be able to be finished until springtime due to construction time required to finish both contracts.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Not Applicable.

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

The anticipated award price of the contract is  based on government estimate. The amount exceeds the simplified acquisition threshold (as defined in section 4 of the Office of federal Procurement Policy Act (31 U.S.C.403); and in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers the best value to the United States.

Magnitude \$250,000 to \$500,000

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

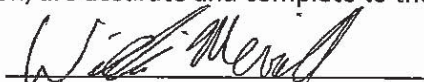
The concern, J.R. Conkey, is a Service Disabled Veteran Owned Small Business registered in the Vendor Information Pages (VIP) database, available at [www.VetBiz.gov](http://www.VetBiz.gov). A review of J.R. Conkey: capability/profile information revealed that they have the experience, expertise and bonding level to perform the scope of work outlined in this project. J.R. Conkey is determined to be a responsible source with respect to performance of such contract opportunity. J.R. Conkey meets the requirements under Public Law 109-461, which gives the contracting officer authority to sole-source procurements to SDVOSB contractors.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Not Applicable at this time.

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:** Not Applicable at this time.

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.



William Merrill  
Assistant Chief, FMS  
Aleda E. Lutz VA Medical Center

2-18-14

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.

*Sonny S. Earls*

2-20-2014

Sonny Earls  
Contracting Officer  
Network 11 Contract Office

Date

- b. **NCM/PCM (Required \$3K and above)**: I certify the justification meets requirements for other than full and open competition.

Name  
NCM/Supervisory Contract Specialist (as appropriate)  
Network 11 Contract Office

Date

- c. **SAO(If over \$650K)**: I certify the justification meets requirements for other than full and open competition.

Ricky L. Lemmon  
SAO Director  
Central Region

Date

- d. **VHA HCA Review and Approval**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$12.5 million) or approve (\$650K to \$12.5 million) for other than full and open competition.

NORBERT S. DOYLE  
Chief of Procurement and Logistics Officer  
VHA, Head of Contracting Activity

Date

- e. **VA Deputy Senior Procurement Executive Approval (over \$12.5 million but not exceeding \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

\_\_\_\_\_  
C. FORD HEARD

\_\_\_\_\_  
Date

Deputy Senior Procurement Executive (DSPE)  
Office of Acquisition and Logistics  
Department of Veterans Affairs

- f. **VHA Senior Procurement Executive Approval (over \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

\_\_\_\_\_  
JAN R. FRYE

\_\_\_\_\_  
Date

Deputy Assistant Secretary for Acquisition and Logistics  
Senior Procurement Executive (SPE)  
Department of Veterans Affairs