

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

**1. Contracting Activity:**

Department of Veterans Affairs, VISN 8, Miami VA Healthcare Systems, Bruce W. Carter Medical Center requests authorization to proceed with other than full and open competition to acquire services for purchase request 546-14-1-6872-0004

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

This is a request for other than full and open competition for the procurement construction services for the resealing/restripping of the South Parking Lot and replacing the Security Booth.

Proposed award for this procurement is to Seawolf Construction, a Service Disabled Veteran Owned Small Business (SDVOSB) concern.

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

This requirement calls for labor, supervision, equipment, and all other resources required to provide construction services to sealcoat the asphalt pavement to prevent deterioration of the current asphalt pavement due to traffic volume as well as climatic conditions and demolish and install a new Security Booth.

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

Authorized or Required by Statute

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

Authority under 38 USC 8127-8128 (Sections 502 and 503 of Public Law (P.L.) 109-461), 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:

- (1) The anticipated award price of the contract (including options) will not exceed \$5 million;
  - (2) The requirement is synopsised 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 between \$100,000 and \$250,000. A special notice announcing the contract action will be posted on FEDBIZOPPs in October 2013. A separate determination of the contractor's responsibility will be made in accordance with FAR 9. A sole source award is proposed pending negotiation of a fair and reasonable price.

Seawolf Construction has completed numerous project at Miami, Gainesville and Tampa Veterans Affairs Medical Center such as (1) Renovate ER/Consolidate Mental Health/Urology (\$5,495,394.52), (2) Louver Systems Replacement (\$823,252.00), (3) Upgrade and repair Electrical Distribution System (\$206,986.00), (4) Construct Parking Garage – Phase 1 (\$6,260,538.00), (5) Construct parking Garage – Phase II (\$4,481,535.00), (6) Upgrade Electrical Distribution System (\$4,252,127.17), and (7) Renovate 4<sup>th</sup> Floor (D) NHCU. The company is locally based and the VA can expect to receive reduced mobilization costs in the proposed award. It is also expected that the VA will realize reduced administrative cost by being able to award this requirement expeditiously. The CO is recommending an SDVOSB sole source to Seawolf Construction 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 Seawolf Construction, Inc. is qualified as a SDVOSB; and will provide construction services based on the company's past performance on various projects completed at 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 and 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. Seawolf Construction, Inc. 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):**

Multiple SDVOSBs exist in the VIP database; however, 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 CO has determined a sole source award is in the best interest of the VA.

**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.

  
Jose Arzon-Gonzalez  
General Engineering

X-01-2013  
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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EDWARD F. SCHUMAN  
Construction Team 1 - Supervisor  
Miami / NF-SG / Orlando  
Network Contracting Activity - 8  
Service Area Office- East  
Department Of Veterans Affair - VHA

10/01/2013

\_\_\_\_\_  
Date