

## 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 546-14-1-6872-0007.

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

This is a request for other than full and open competition for the procurement and construction services for removing the Dumbwaiter Elevator near the Biomedical Area and Dietetics second floor in the Miami Veterans Affairs Healthcare System.

Proposed award for this procurement is to Firewatch Contracting, 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 removing a Dumbwaiter Elevator near the Biomedical Area and Dietetics on the second floor. The work includes but is not limited the complete demolition, disconnection and removal of the existing dumbwaiter elevator, removal from premises and dispose of any asbestos abatement necessary and all connections electrical, mechanical, fire alarm, fire protection and structural connections necessary for complete removal of elevator system at the Miami Veterans Affairs Healthcare System. The estimated cost of this project is between \$25,000 and \$100,000 and the period of performance is 180 days.

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

Authorized or Required by Statute FAR 6.302-5.

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

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

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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 \$25,000 and \$100,000. A special notice announcing the contract action was posted to FEDBIZOPPs in November 2013. 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 and reasonable price.

Firewatch Contracting is immediately available for the execution of this work. The contractor's past performance on Veterans Affairs Medical center's projects at Bay Pines ( Install Sump Pump in Boiler Room for \$198,827.50), Lake City (Install New PET/CT Scanner Site Prep for \$649,000), and Tampa (Structural Attachments Roof And walls, Bldg #32 for \$935,000), has been outstanding with very positive results to the Medical Center and using services involved. In 2013, the contractor completed a project at Miami Veteran Administration Healthcare System entitled "Renovate Research Elevators" at a cost of \$852,441. The CO is recommending an SDVOSB sole source to Firewatch Contracting, 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 Firewatch Contracting is qualified as a SDVOSB; and will provide superior construction services based on the company's past performance on various projects completed at various Veteran Affairs Medical Centers.

**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. Firewatch Contracting 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 Miami VA.

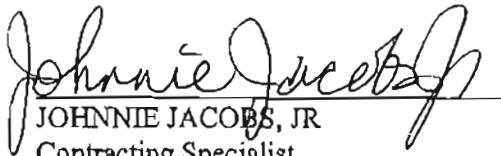
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:**

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.

  
JULIO HERNANDEZ  
Engineer

NOV 4, 2013  
Date

  
JOHNNIE JACOBS, JR  
Contracting Specialist  
SAO East, NCA 8, Construction Team 1

11-05-2013  
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  
Contracting Officer  
Construction Team 1 - Supervisor  
Miami / NF-SG / Orlando  
Network Contracting Activity  
Service Area Office - East,

11/05/2013

Date