

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 5, Baltimore VA Medical Center Justification for Other Than Full and Open Competition for Project # 512-14-103S, "Replacement of Grease Interceptors in rooms BB103 & 1PD102".

2237: 512-14-3-663-0132

2. **Nature and/or Description of the Action Being Processed:** For Station Level project 512-14-103S, a new firm-fixed price contract is recommended for Award to an on-site Contractor for immediate replacement of the grease interceptors at the Baltimore VA Medical Center.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Project 512-14-103S is required to accomplish the critical and urgent replacement of the grease interceptors, which have fallen into disrepair and currently present extremely hazardous health conditions for adjacent areas due to exposure of raw sewage. The Independent Government Estimate for this project is \$99,009.61. The period of performance for this work shall be 60 days.

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):** The intent of this project is to address urgent hazardous health conditions that impact the safety of building occupants and the work conditions of adjacent areas. Currently, wastewater including grey and black water (raw sewage) is leaking from the failed grease interceptors within rooms BB103 & 1PD102. Black water is hazardous to human health, and exposure to such wastewater without adequate personal protective equipment is to be avoided per VA Policy. To expedite the replacement of the grease interceptors and avoid delays for contractor mobilization, the VA requires one of the following contractors currently on-site to perform this work: MEM Contracting or VetsUSA. These contractors are currently performing similar work within the VA Medical Center, and are prepared to quickly address this critical issue without unnecessary delays.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** As stated above, the VA requires a contractor currently on-site to perform this critical work in order to avoid serious health effects to occupants and unnecessary delays. Two Service Disabled Veteran Owned Small Businesses (SDVOSB) contracting firms, MEM Contracting

and VetsUSA, are currently on-site performing similar work, and should be solicited for proposals to ensure competitive pricing. Soliciting on site contractors will eliminate unnecessary mobilization costs and will cut down on the time needed to respond to the emergency need to replace the grease interceptors.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** To ensure that the cost of this contract is fair and reasonable, proposals will be solicited from two contractors currently on-site. VA Engineering will review all proposals to determine price reasonableness, and will compare proposal prices to the Independent Government Estimate (IGE). Discussions and negotiations with the contractors will be conducted by VA engineers and the Contracting Officer as necessary to further ensure the validity and reasonableness of the contractors' cost proposals. Per FAR 15.404-1 (b), the Contracting Officer will perform a price analysis by comparing competitive proposals to each other and the IGE. Based on the estimated value of this requirement, certified cost or pricing data is not required.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Due to the critical and urgent nature of this requirement, Market Research was only conducted to determine the presence, abilities, and capacity of contractors already on-site at the Baltimore VA Medical Center. Since two acceptable firms were found with the capability to perform this work, pricing will be sought from both to ensure value to the government. The justification will be posted to FedBizOpps immediately to provide notice that the Government intends to do limited competition for this urgent requirement.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** This project is critical to maintaining a safe and healthy work environment at the Baltimore VA Medical Center, as delays would present serious health risks to building occupants and maintenance staff. To avoid delays involved with alternative acquisition methods, Engineering strongly recommends Limited Source Award of this project to a contractor already on-site at the Baltimore VA.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Market Research indicates SDVOSB MEM Contracting, Incorporate and VetsUSA are VetBiz verified and are available to perform immediately.
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 – this contract will provide a one-time replacement of the failed grease interceptors. Once replaced, the new grease interceptors will be routinely maintenance by in-house VA staff to avoid the risk of future failures and replacement.

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.

Charles Rose
Supervisory Project Engineer
Baltimore VA Medical Center

4/17/14

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.



Kandi A. McDonald
Contracting Officer
Perry Point VA Medical Center
VISN 5/PCA 5

4/17/14

Date

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



Kandi A. McDonald
Construction Team A Manager
Perry Point VA Medical Center
VISN 5/PCA 5

4/17/14

Date