

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval
For
Other Than Full and Open Competition**

1. Contracting Activity:

Department of Veterans Affairs
Network Contracting Office 8 - Tampa
8875 Hidden River Pkwy
Tampa, FL 336337

Procurement Transaction #: 673-14-2-6318-0032

The Magnitude of Construction Project: Between \$25,000 and \$100,000

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

- A. This procurement is to obtain emergency construction services for the James A. Haley Veterans Hospital. This project will repair Existing Main Sanitary Riser and Pipe Chase (3S) for the installation a new shaft platform and ladder replace and clean pipe in shaft, core drill hole in shaft to remove waste and patch at completion. The work includes, but is not limited to site investigation, designing and preparing drawings, phase planning, specifications, cost estimates, construction period services, and general construction for all disciplines.

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

- B. The contractor shall provide all necessary equipment, labor, materials, specialty services, supervision, and tools to complete Station Level Project No. 673-14-828, "Repair Existing Main Sanitary Riser and Pipe Chase (3S)". The work includes, but is not limited to site investigation, designing and preparing drawings, phase planning, specifications, cost estimates, construction period services, and general construction for all disciplines. The period of performance for completion is 60 days.

3. Statutory Authority Permitting Other than Full and Open Competition:

Under title 38 USC 8127, Veterans First Act, authority;

- (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;

4. 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 veteran-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.

(c) When conducting a SDVOSB sole source acquisition, the contracting officer shall ensure businesses are registered and verified as eligible in the VIP database prior to making an award.

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 fair & reasonable price.

Blue Cord Design & Construction LLC is a local SDVOSB company that has the proven capability to successfully complete the requirements of this construction project at the James A. Haley Veterans Hospital. They have obtained VA approval for the company's infection control, safety, and quality control plans for construction tasks. The approved plans will significantly reduce the timeline for submittal approvals. It is imperative that the construction begins as quickly as possible to prevent further water damage to VA property. This contractor has an excellent past performance history in working in areas occupied by medical patients and visitors. The contractor has proven effective methods for establishing durable containment barriers to prevent containment breaches between areas occupied by personnel and areas under construction.

Blue Cord has successfully performed similar design and repair projects at the James A. Haley Medical Center and has provided outstanding work and workmanship. Per the aforementioned, the Contracting Officer is recommending an SDVOSB sole source to Blue Cord Design & Construction LLC Services.

5. 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 BlueCord Design & Construction is qualified as a SDVOSB and will provide superior construction services based on the company's past performance on various projects completed for the VA.

6. **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 under the Veterans Benefits Act of 2003 to subject contractor is proposed pending negotiation of a fair & reasonable price. It is expected negotiations will result in a cost which compares favorably to the Independent Government Estimate.

7. **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. Blue Cord Design & Construction LLC is listed in the VIP database along with other multiple SDVOSB concerns.

8. **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.

9. **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.

10. **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:**

Future SDVOSB sole source awards in the best interest of the VA will be rotated to other SDVOSB's, who are deemed responsible.

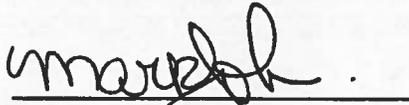
11. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.


Name: ~~Rick Durabb~~ Marty Brothers
Title: Chief, Projects Section
Facility: VAMC Tampa, Fl for Rick Durabb

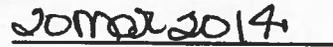
3/20/2014
Date

12. Approvals in accordance with Public Law 109-461: Veteran's 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.



Name Mark Johnson
Title Supervisory Contract Specialist



Date