

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:**

Department of Veterans Affairs  
Network Contracting Office 23 (90c)  
2011 West 26th St Rm 103  
Sioux Falls, SD 57105-1305

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

This sole source procurement is for a service to provide an indoor concert to be held in Sioux Falls, SD. This procurement (2237# 438-14-4-3170-0074) supports a single concert event with a total dollar value of \$40,157.25. This service starts in FY14 and ends in FY15. The service includes organizing and coordinating all aspects of the event leading up to the actual concert.

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

Provide a facility, equipment, band and services necessary to satisfy requirements for an indoor concert to be held February 21, 2015.

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 Washington Pavilion is the only vendor capable of providing all requirements listed in the statement of work and Lee Greenwood "Technical Rider" documents stating specific equipment and services required for their performance. No other vendor is capable of providing this service as specified in the SOW or Rider documents.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

Following market research on GSA Advantage, Federal Business Opportunities and a local market place search, it was determined that the Washington Pavilion is the one and only vendor capable of providing this service. Therefore, no solicitation was conducted.

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

The cost for this service is anticipated to be \$40,157.25. When compared to past pricing of \$7,133 in FY12 and \$22,317.70 dated 12/06/2013, the upward adjustment of prices for this service was expected due to increased demand of the Lee Greenwood band as compared to the previous year's

band, "The Grass Roots". The numbers above do not account for a change in the value of the dollar as applied to the local economy. The Lee Greenwood band also requires additional services beyond the previous year Technical Rider document from the Grass Roots band. The Contract Officer will determine the requirement to be fair and reasonable.

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

Market research was conducted using GSA advantage and an open market search in the local Sioux Falls, SD area and for the reasons specified above, no other vendor in the Sioux Falls, SD area was determined to have the ability to perform this service.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** See the attached memorandum document from the sponsoring agency, Volunteer Services. This document states that only the Lee Greenwood band may perform as part of this procurement and that donated funds for this procurement are approved for use by the Director of the Sioux Falls VA or designee. This procurement is paid for via donated funds. The band is procured solely by the incumbent vendor, Washington Pavilion Management Inc., a Non-Profit business. Additionally FAR 32.703-3 (b) Contracts crossing fiscal years applies to this procurement. VHA Handbook 4721, VHA General Post Fund Procedures dated May 24, 2007 applies to this procurement. Reference page 13 of this handbook for direct references that apply to this procurement.

10. **Listing of Sources that Expressed, In Writing, an Interest in the Acquisition:**

Washington Pavilion Management Inc.  
301 South Main  
Sioux Falls, SD 57104-6311  
DUNS: 078480170  
Large Business

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:**

Future procurements for this service will again start with market research performed on GSA, FBO, FPDS and the local area to ensure no other vendor can/cannot perform this service. Specifically, my search will focus on new facilities that may accommodate a concert of this magnitude and that are currently being constructed in the Sioux Falls, SD area.

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.

Brenda K. Stevens

Digitally signed by Brenda K. Stevens  
DN: cn=Brenda K. Stevens, o=Dept. of Veterans  
Affairs, ou=Voluntary Service,  
email=brenda.stevens2@va.gov, c=US  
Date: 2014.07.31 09:14:22 -05'00'

Brenda Stevens  
Chief, Volunteer Services  
Sioux Falls VA

Date

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
Scott Morrison  
Contract Officer

07/30/2014  
Date

Network 23 Contracting Office (NCO 23)  
Sioux Falls, SD

- b. **PLCM (3K-500K):** I certify the justification meets requirements for other than full and open competition and I approve of this Justification and Approval for Other Than Full and Open Competition.

Lori Fischer

Lori Fischer

Product Line Contract Manager, NCO 23  
Sioux Falls, SD

7/30/14

Date