

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition  
2237 Transaction 512-14-4-150-0406


1. **Contracting Activity:** Department of Veterans Affairs, VISN 5, Baltimore Medical Center (512) has had a water heater that malfunctioned and discharged a substantial amount of water. The water damaged a locked-down mental health area. This request is to restore the patient care area that was impacted by the water discharge.
2. **Nature and/or Description of the Action Being Processed:** The action being reviewed is to have a contractor to construct necessary barriers in the area to assure the safety of the patients and staff during the restoration effort. After the mental health supervisors approve the barriers the contractor will delineate the area that has been affected by the water. The contractor will then remove all the wall and ceilings sections identified as wet. The contractor will then clean and dry the exposed areas and then restore the walls and ceilings. After all the restoration has been completed the safety barriers will be removed.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The contractor will supply paint drywall and miscellaneous fasteners required to complete the job.
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;
  - (X) (2) Unusual and Compelling Urgency per FAR 6.302-2;

The area that was flooded is an acute locked mental health area. The effects of the failed water heater meant that about half of the beds in the unit were not available. At the same time the Washington DC Medical Center had to reduce their census. Any patients that could not be treated at DC were scheduled to be transferred to Baltimore. This incident affected the VISN's ability to provide mental healthcare. Additionally, the warm water from the heaters provided an excellent environment for mold growth. This remediation effort had to be started with in a limited window of time to assure that mold growth would not be a concern.

- ( ) (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):** Because the flooding incident

which caused damage to patient rooms was considered a true emergency there was no time to seek multiple sources to perform the urgent services. The flooding damage affected patient care by reducing the number of beds available in the 6A unit. Only BAS Cat was contact for this effort. The company specializes in immediate damage control and restoration services in cases of disaster. They also have a two hour response time so on 7/8/14 Jeff Madden contacted the firm to request an immediate site visit. Mr. Madden spoke with BAS representative Hal Hocking, 204-460-4813, 7377 Washington Blvd, Suite 107, Elkridge, MD 21075 and the completed the site visit the same day.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Time did not permit competition. Patient care would have been affected if the VA would have allowed multiple sources compete for this requirement.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** A review of the cost proposal compared to the Government will be done to ensure the price is determined 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 not done because the flooding conditions were considered a true emergency which did not allow time for adequate competition.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** NONE
10. **Listing of Sources that Expressed, In Writing, an Interest in the Acquisition:** See Section 5 above
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:** NONE
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.

  
Mike A. Charron  
Contracting Officer's Representative  
VAMHCS

7/10/14  
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  
Construct Team A Manager/NCO 5  
VAMHCS

7/10/14

Date

- b. **Delegated Authority to Product Line Manager (\$650K or below):** I certify the justification meets requirements for other than full and open competition.



Kandi A. McDonald  
Construct Team A Manager/NCO 5  
VAMHCS

7/10/14

Date