

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 546-14-4-6872-0235.

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 "Renovate 12D Wing & Patient Rooms" at the Miami Veterans Affairs Healthcare System.

Proposed award for this procurement is to The Cherokee 8a Group, Inc., a Service Disabled Veteran Owned Small Business (SDVOSB), American Indian, Minority-owned, General Construction Company specializing in federal construction.

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

The Bid Build contractor shall work with the Planning Section of Engineering Service and the end to identify all the needs of this project. The project shall include, but not be limited to, renovating 8 patient bedrooms and 164 lineal feet of corridors on the 'D' Wing of the 12th floor (D1204, D1216, D1215, D1205, D1213, D1214, D1206, and D1207. Renovations include:

- Removing all wall paper, cove base, corner guards, and hand rails.
- Patching, priming, and painting two coats of paint throughout.
- Installing new hand rails.
- Installing new corner guards and cove base.
- Daily debris removal from work site.
- Negative air and containment required.

Work to be done within working area occupied by VA personnel.

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

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.

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

Proposed award for this procurement is to The Cherokee 8a Group, Inc., a Service Disabled Veteran Owned Small Business (SDVOSB), American Indian, Minority-

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owned, General Construction Company specializing in federal construction. 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 synopsized 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 Cherokee 8a Group, Inc. is immediately available for the execution of the work. The contractor is familiar with the Miami Veterans Affairs Medical Centers' requirements and has firsthand experience. They have performed work under the following contract: VA248-RA-1334 (Upgrade and Repair Electrical Distribution), VA248-12-C-0126 (Emergency Oxygen Repair Main Piping), VA101CFM-C-0144 (Utility Plant Louver Replacement), W91278-09-C-0091 (Renovate ER/Consolidate Mental Health and Urology), and an "Emergency" project contract entitled Emergency Repair MICU Piping. The contractor is currently onsite working a project entitled "Renovate Laundry Dryer Exhaust System" which will not only allow the project to begin faster but reduce mobilization costs. The ability to begin work quickly is crucial in reducing further damage caused by the leaking freezers. These contracts had a price range from \$206,986.00 to \$5,400,000.00. The CO is recommending an SDVOSB sole source to The Cherokee 8a Group, Inc., based on the aforementioned information.

The anticipated award amount is between \$100,000.00 and \$250,000.00. A special notice announcing the contract action will be posted to FEDBIZOPPs. 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.

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 The Cherokee 8a Group, Inc. is qualified as a SDVOSB; and will provide superior construction services based on the company's past performance on various projects completed at Miami Veteran Affairs Medical Center.

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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 under the Veterans Benefits Act of 2003 to subject contractor is proposed pending negotiation of a fair and reasonable price. It is expected negotiations will 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 Resources of the Reasons Market Research Was Not Conducted:

The VIP database was queried in accordance with VAAR 810.001, Market Research policy. The Cherokee 8a Group, Inc. 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 that a sole source award is in the best interest of the 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 SDVOSBs determined responsible.

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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.



Henry Cox
Building Maintenance
Miami, FL

8/29/2014

Date

11. 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.

Melissa Keene
Contracting Officer
Construction Team 1
Network Contracting Office – 8

8/29/2014

Date

- b. **Product Line Supervisor (PLS):** <\$150,000.00 - I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Edward F. Schuman
Contracting Supervisor
Construction Team 1
Network Contracting Office - 8

Date