

**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 546-14-4-6872-0243.

**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 12 C Wing & Patient Rooms" at the Miami Veterans Affairs Healthcare System.

Proposed award for this procurement is to The Valor Construction Management., a Service Disabled Veteran Owned Small Business (SDVOSB), 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 user to identify all the needs of this project. The project shall include, but not be limited to, renovating patient bedrooms and 164 lineal feet of corridor on the 'C' wing on the 12<sup>th</sup> floor. Renovations include:

- Removing all wall paper, cove base, hand rails, and corner guards.
- Patching, priming and painting two coats of paint throughout.
- Installing new cove base, corner guards, and hand rails.
- 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 Valor Construction Management., a Service Disabled Veteran Owned Small Business (SDVOSB), General Construction Company specializing in federal construction. Sole Source awards to service disabled veterans-owned small business concerns.

## Project 546-14-823: Renovate 12 C Wing & Patient Rooms

(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 synopsisized 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.

Valor Construction Management 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 numerous projects under the South MATOC Contract and the renovation of the main data center at the Miami VA. The CO is recommending an SDVOSB sole source to Valor Construction Management., 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](http://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 Valor Construction Management 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.

### **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.

Project 546-14-823: Renovate 12 C Wing & Patient Rooms

**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.

**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.

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

8/29/2014  
Date

Project 546-14-823: Renovate 12 C Wing & Patient Rooms

- 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.

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

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Date