

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Veterans Benefits Administration, Jackson, MS Regional Office, Vocational Rehabilitation and Employment Division (VR&E) located at 1600 Woodrow Wilson Drive Jackson, MS 39216 has a requirement to provide continued Independent Instructor Training provided by Reginald Burks for the development of Farm Cooperatives that were originally procured without contracting authority and required ratification. The Contracting Activity procuring this requirement is the Department of Veterans Affairs, Veterans Benefits Administration, Office of Acquisition, Southern Area Contracting Team, 1800 G. Street N.W., Washington, DC 20006.
2. **Nature and/or Description of the Action Being Processed:** The Jackson Regional Office has a requirement to provide continued Independent Instructor Training provided by Reginald Burks for the development of Farm Cooperatives for 14 of the 19 Veterans throughout the State of Mississippi.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Upon review, 14 of the 19 Veterans need Independent Instructor Services provided on a monthly basis for a maximum of 16 hours per month at an hourly rate of \$35 per hour after November 2014. The estimated duration of each Veteran's services with Mr. Burks is as follows below:

11/01/2014
01/24/2015
11/23/2014
04/20/2015
04/25/2016
12/21/2014
09/16/2016
08/17/2017
08/15/2015
11/01/2014
11/01/2014
09/08/2015
06/25/2016
05/28/2016
11/01/2014
05/27/2016
05/04/2016
09/05/2015
12/14/2015

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 Veterans who have been working with Mr. Burks have established working relationships with him. The nature of our work with Veterans in our care and the lengthy process of developing a functional farm operation requires continuity of services. The Vendors have already worked with these Veterans for as many as 3 years, laying the plan/foundation for the farm in the first year, implementing the plan to begin setting up production in the second year and then continuing to improve on the plans to make the farm successful and address any ongoing issues in year 3. Changing this contract for these farms would require significant re-work, disruption of the Veterans planning process/ production processes and not be consistent with moving toward the goals of making the farming operations functional within the 4 years. The program goal for each Veteran is contingent on the success of this farm and changing the instructor after it was already established and working well would not meet our Agency requirements toward meeting the Veterans Rehabilitation Plan goals. Accordingly, Reginald Burks is the only person capable of providing the services described in Section III above with the Veterans Benefits Administration and the Veterans experiencing substantial delays in fulfilling its requirements.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Based on the already developed instructional arrangement between Mr. Burks and the Veterans and his involvement in this cases since their inception, no other vendor would be able to provide these services as seamlessly and without delay and rework of their farm enterprises. As a result, no further market research was conducted for this requirement.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Price reasonableness has been determine in line with the know offerors on the GSA schedule for similar services.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** At the time of the initial procurements, no market research was done and this effort was awarded to one of the two vendors that were used by the Jackson Vocational Rehabilitation

and Employment Division. Mr. Burks had provided Independent Instructor Services for Farm Cooperatives for many years with very good success.

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 VI 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: Any future acquisition for similar services is going to be procured using a Blanket Purchase Agreement with a GSA Schedule Vendor.

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.



Kim C. Lloyd

Assistant VR&E Officer

St. Petersburg Regional Office (Mentor for Jackson VR&E Office)

11/25/14

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.



Name

Title

Facility

11/10/14

Date