

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 19, 4100 E. Mississippi Ave., Suite 900, Glendale, CO 80246, on behalf of the VA Montana Health Care System. The Department of Veterans Affairs proposes to enter into a contract on the basis of other than full and open competition for the completion of the Construction Management (CM) for the Asbestos Abatement, Remediation, and Restoration in Miles City, MT for Phase 2-16, Project No. 436-13-105, located at the Miles City, MT Community Based Outreach Clinic/Nursing Home, 210 S. Winchester, Miles City, Montana 59301. Purchase request number 436-15-2-5661-0017.

2. **Nature and/or Description of the Action Being Processed:** This is a new procurement and the contract is a firm fixed price to Vali Cooper International, LLC (VCI). The estimated project value is \$189,000.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The VA Montana Healthcare System requires the services of a qualified firm to oversee the *completion* of the Construction Management (CM) Services for the Asbestos Abatement, Remediation, and Restoration in Miles city, MT for Phases 2-16. Signature Underwriters is the General Contractor for Asbestos Abatement, Remediation, and Restoration in Miles City, MT for Phases 2-16.

The Professional Services firm shall utilize the existing VA construction documents to ensure that all multiple regulatory authorities' guidelines are adhered to, i.e. State of Montana Department of Environmental Quality (MTDEQ), Federal Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA); the Montana DEQ Asbestos Control Program (ACP), National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61 Subpart A, and the National Emission Standard for Asbestos, 40 CFR Part 61 Subpart M). VCI shall review submitted materials from VA and Signature Underwriters; liaise with the OSHA competent person; evaluate and mitigate potential hazard materials; document collection and review; examine manifest disposal; RFI review, evaluation and response; assist with pay request review and evaluation; all other actions that are not inherently governmental in action.

The estimated value of the award is not expected to exceed \$189,000, and the anticipated period of performance is 159 days after contract award.

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41USC §253 (c ) (1), as implemented by FAR 6.302.1

- (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;

The statutory authority permitting other than full and open competition is 41 U.S.C. 253(c) (1), as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1. *entitled, "Authorized or Required by Statute."*

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Title 38 U.S.C. 8127 (b),(c) and (d) provide the authority for Department of Veterans Affairs (VA) contracting officers (COs) to make awards to Service-disabled Veteran-owned small business (SDVOSB) firms and Veteran-owned small business (VOSB) firms using other than full and open competition when certain conditions are met. With respect to the current action the conditions have been met and there is Justification for Other than Full and Open Competition. In accordance with the Veterans First Contracting Program and the 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, the Government intends to negotiate a sole source contract to a SDVOSB.

VCI is an SDVOSB firm providing program, project and construction management services on multi-disciplined Federal Construction projects. VCI has experience in construction management services and has received outstanding performance evaluations on complex, difficult work performed. As the designer of record, VCI shall also be conducting Type 3 (C Services), in addition to their designer of record responsibilities. VCI will ensure that all criteria contained in the design documents are met by the general contractor, Signature Underwriters.

VCI is currently providing the Construction Management Services for the Asbestos Abatement, Remediation, and Restoration in Miles City, MT for Phase 1-16, Project No. 436-13-105. This is a follow-on sole source contract for the *completion* of CM Services due to a delay in awarding the Asbestos Abatement, Remediation, and Restoration in Miles City, MT for Phases 2-16. By awarding sole source to VCI, who is currently performing on station, the Government will reduce costs through the reduction of contractor mobilization. VCI's knowledge of the Miles City, MT VAMC campus exceeds other SDVOSB's in the area and will lead to a large cost savings on this project.

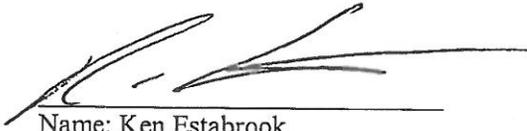
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The Government intends to negotiate a sole source contract to a SDVOSB in accordance with Veterans First Contracting Program and the Authority under 38 USC 8127-8128 (Sections 502 and 503 of Public Law (P.L.) 109-461), FAR Part 6.302-5(b) (6), and VAAR 819.7007. NAICS Code 541330, Engineering, to include non-engineering services, i.e. construction management services, applies to this procurement.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** All offered pricing will be reviewed by the CO and Contracting Officer's Representative (COR) upon receipt of the Request for Proposal, comparison to the Independent Government Estimate (IGE) and any necessary negotiated adjustments. In addition to comparison to the IGE, other than certified cost or pricing data may be used to determine the price fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Vali Cooper International, LLC (DUNS# 830316449) is a verified SDVOSB that has significant knowledge of the Community Based Outreach Clinic/Nursing Home in Miles City, MT. The Department of Veterans Affairs follows this and additionally has a unique "Veterans First" approach specific to its contracting, requiring an order of priority (preference) for Contracting Officers to follow beginning first with SDVOSB contractors. Vali Cooper International, LLC is registered with the System for

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Award Management (SAM), and is a verified SDVOSB through VetBiz with an exemplary past performance history with the VA Montana Health Care System. An Independent Government Estimate was created based on market research performed for material costs and an estimated amount of labor hours.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Not Applicable.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section 6 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:** Barriers to completion should not be an issue on future procurements.

**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.



Name: Ken Estabrook  
Title: Facilities Manager  
Facility: VA Montana Healthcare System

1/25/2015  
Date

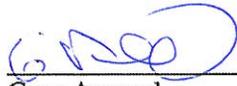
**Approvals in accordance with FAR 6.304**

- 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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Andrew Stigen, NCO 19  
Contracting Officer

1/15/2015  
Date

- b. NCM Designee: I certify the justification meets the requirements for other than full and open competition.

  
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Gary Arwood  
Division Chief II

1/20/2015  
Date