

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>\$150K)

1. **Contracting Activity:** Department of Veterans Affairs, VISN 23, Black Hills Health Care System. Purchase request 618-15-3-6100-0014

2. **Nature and/or Description of the Action Being Processed:** Fire Protection Services to be awarded as a new follow-on to existing expiring contract, firm-fixed, base plus one option year.

FAR13.5 Test Program: This procurement is for fire protection services in accordance with FAR 13.5 Test Program for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Fire Protection Services for the Minneapolis VA Health Care system with a total estimated value of \$476,032.00 to include a base plus one option year, performance period 4/1/2015 through 03/31/2017.

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):**

A contract is needed for the Minneapolis VA Health Care System (MVAHCS) facility for fire protection and emergency fire suppression response services. A contract has been in place with the City of St. Paul for these services since the MVAHCS discontinued housing their own private fire department on campus (1990s). Fire Protection services is considered a major system of the MVAHCS, which requires highly specialized personnel, equipment, safety standards and licenses for providing emergency response services for fire suppression. Unacceptable delays in fulfilling the agency's requirements will occur due to re-training and re-establishment of merging services between the fire protection service contractor and the on-campus police department.

- 6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Past procurement searches dating back to 2010 revealed open market solicitations posted to FBO for the same service and exact SOW resulted in only one offer, The City of St. Paul. Further searching of the local area revealed that the Minneapolis Fire Department and MAC Fire Department may be able to perform the work required but have not shown interest to provide the services when actively pursued by open market solicitations posted to FBO since 2010.

With no relevant SDVOSBs nor VOSBs found on the VetBiz website, a search was conducted for all Small Businesses registered under NAICS code 922160 in Minnesota State (including 8(a) and HUBZONE. This search revealed no Small Business. It is noted in the NAICS table by the Small Business Administration that Sector 92 – Public Administration small business size standards are not established for this sector. Establishments in the Public Administration Sector are Federal, state, and local government agencies which administer and oversee government programs and activities that are not performed by private establishments.

- 7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The independent government cost estimate is averaged from the previous historical contracts that have been in place since 2010 and have been compared to other historical contract costs at other VISN medical facilities requiring the identical services. These costs are in a competitive range of +/-10%, anticipating the new contract cost will 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:** Past procurement searches dating back to 2010 revealed open market solicitations posted to FBO for the same service and exact SOW resulted in only one offer, The City of St. Paul. Further searching of the local area revealed that the Minneapolis Fire Department and MAC Fire Department may be able to perform the work required but have not shown interest to provide the services when actively pursued by open market solicitations posted to FBO since 2010.

With no relevant SDVOSBs nor VOSBs found on the VetBiz website, a search was conducted for all Small Businesses registered under NAICS code 922160 in Minnesota State (including 8(a) and HUBZONE. This search revealed no Small Business. It is noted in the NAICS table by the Small Business Administration that Sector 92 – Public Administration small business size standards are not established for this sector. Establishments in the Public Administration Sector are Federal, state, and local government agencies which administer and oversee government programs and activities that are not performed by private establishments.

- 9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** The Minneapolis VA Health Care System (MVAHCS) does not currently house a federal fire department at the campus. Records from the current Program Manager referring as far back as 2010 demonstrate the MVAHCS is considered unincorporated into any city in the State of Minnesota, resulting in the facility to contract for fire protection services. There are three total fire protection agencies with their individual stations located throughout the Minneapolis/St. Paul metropolitan area that provide fire protection services, with only the City of St. Paul willing to provide these services to the MVAHCS.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

This has been proven through yearly open market solicitations offered on FBO since 2010 and no other agencies besides the City of St. Paul offering proposals.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

No other sources have expressed interest in providing these services to the MVAHCS since 2010.

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:

Market research will be conducted at the expiration of the base year and any exercised option year to search for any other new sources that may show an interest in providing these services.

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.

Pamela Russell Demaster
Program Manager
MVAHCS

03/16/2015

Date

13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Pamela Phillips
Contracting Officer
Black Hills Health Care System, NCO 23

03/16/2015

Date

- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.

Jonathan Allen
NCO 23 Product Line Supervisor
Black Hills Health Care system

Date