

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval
For
Other Than Full and Open Competition**

1. Contracting Activity:

Department of Veterans Affairs (VA), Network Contracting Office (NCO) 22, 4811
Airport Plaza Drive, Suite 600, Long Beach, California, 90815

Purchase Request: 59J-15-2-5904-0005 Fisher House Utility Site Preparation for VA
Southern Nevada Healthcare System (VASNHS), project no. 593-CSI-100.

Amount: \$1,216,788.00

2. Nature and/or Description of the Action Being Processed:

The VASNHS Engineering Service (138) requires infrastructure construction services for the Fisher House utility site preparation. An opportunity was granted by the Fisher House Foundation to the VASNHS for a Fisher House, a comfort home where Veterans' and military families can stay at no cost while a loved one is receiving treatment, to be built at their site.

NCO 22 shall award to a Service Disabled Veteran Owned Small Business (SDVOSB) a contract in accordance with Federal Acquisition (FAR) Part 6.302-5: Authorized or Required by Statute. The Veterans First Contracting Program provides the VA with authority to award a sole-source contract SDVOSB award pursuant to Public Law (PL) 109-461, 38 United States Code (USC), Section 8127, subsection c (PL 109-461, 38 USC, Sec. 8127(c)) to purchase construction services for the Fisher House utility site preparation.

It is anticipated that a firm-fixed price (FFP) construction contract be awarded utilizing Other Than Full and Open Competition to a verified and certified SDVOSB per FAR Part 15.002(a). The Contracting Officer (CO) has determined that the Veterans First Contracting Program be exercised per PL 109-461, 38 U.S.C., Sec. 8127c. By applying the Veterans First Contracting Program, it is an efficient and effective contracting vehicle to award a contract to a sole-source SDVOSB Contractor in meeting the required schedule of awarding the VASNHS for utility site preparation to occur simultaneously with the commencement of the construction of the Fisher House building donated by the Fisher House Foundation.

The CO's justification not to use the Full and Open Competition after Exclusion of Sources, 100% SDVOSB set aside solicitation in accordance with Public Law 109-461, 38 USC, Sec. 8127 is based on fulfilling the contract award to adhere to the strict schedule slated for the construction of the Fisher House building.

Competition after Exclusion of Sources, FAR Part 5.203 – Publicizing and response time, and FAR Part 36.213 – Pre-solicitation notices for any construction requirements; a pre-solicitation notice has to be published fifteen (15) days before issuance of a solicitation. Furthermore, the NCO 22 must allow at least a thirty (30) day response time for receipt of bids or offer from date of issuance of solicitation.

The CO has determined that it is in the best interest of the Government to reduce the required forty-five (45) day pre-solicitation notice and allowed response time, by utilizing the Veteran First Contracting Program as the most effective and efficient procurement process.

This determination will allow the VA to meet the critical schedule for the utility site preparation to coincide with the commencement of the construction of the Fisher House project.

A solicitation will be issued to one (1) SDVOSB sole-source Contractor construction project in accordance with FAR Part 6.302-5; Authorized or Required by Statue; pursuant to the Veterans First Contracting Program - 100% Service Disabled Veteran Owned Small Business. A separate justification and Approval is required under this FAR Part 6.302-5.

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

Construction services is required to furnish labor, materials, supervision, and equipment necessary to complete the site infrastructure construction to include, but not limited to; demolition of existing utilities, structures, trees, roads, curbs, etc. and to make land and utilities available for the future construction of a Fisher House which will be under a separate contract. Construction work will include (but is not limited to) demolition, site work, site lighting, roadways and paving, utilities for electrical service, water service (filtered and softened), telephone service, gas service, cable TV, storm water drainage, sanitary sewer system, fire protection service (water), landscape irrigation system and fire alarm monitoring. Work is to be performed on VA property and utilities; however coordination of site utilities with local municipalities may be required.

The VASNHS is in dire need of a Fisher House to provide accommodations for veteran patients' families whose loved ones are going through short and long term medical treatments at the VASNHS and military families whose loves are also receiving medical treatments at the Mike O'Callaghan Federal Medical Center located on Nellis Air Force Base, North Las Vegas, NV. If contract award is not made in an expeditious manner, the construction of the Fisher House can be cancelled or delayed.

Construction Completion: One-hundred and twenty-five (125) Calendar Days beginning on March 27, 2015

Estimated Value: \$1,216,788.00

Statue: Pursuant to the First Veterans Contracting Program Attached

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;

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
- (X) (5) Authorized or Required by Statute FAR 6.302-5; PL 109-461, 38 USC, Sec. 8127(c);
- () (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).

Fisher House provides housing for military and Veteran families near their loved ones during hospitalization for illness, injury or disease. The Fisher House foundation will be constructing a facility on the VASNHS campus and will donate the facility to the VA at the completion of the build. The VA is responsible for site utilities to support the Fisher House. The groundbreaking for the construction of the Fisher House is scheduled for March 27th, 2015. To ensure that site utility preparation is completed in a timely manner and to make every effort to provide without delay the benefit of an operational Fisher House to Veterans, military members, and their families VASNHS is urgently requesting the installation of the site utilities for the Las Vegas Fisher House. To prevent a delay in the opening of the facility, the utility installation needs to be completed within a specific time frame. Additionally, several utilities will be connecting at points outside the property of the VASNHS, which requires coordination with the local authority having jurisdiction and local utilities. This coordination is best performed by a local Contractor with direct experience working with the local agencies. Due to the nature of the award of the Fisher House the VASNHS has limited information available concerning the actual construction schedule. This creates additional urgency to ensure the site utility work is completed prior to the construction of the Fisher House. Based on extensive market research UNKS Construction Inc., 3658 North Rancho Drive, Suite #101, Las Vegas, NV 89130, Steve Hinders, President; is qualified with the required experience to perform this work in a timely manner. UNKS Construction, Inc. was selected because of their past experience and familiarization of the technical requirements of the Fisher House Foundation in providing construction services of utility site preparation for the Fisher House located at the VA Greater Los Angeles Healthcare campus. Furthermore, they are a verified SDVOSB. They have successfully completed several other projects at the VASNHS. The professionalism of their personnel and the quality of their work has consistently been outstanding. Additionally, their corporate office is located in Las Vegas and they have experience dealing with the local agencies to ensure all requirements are met.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

In accordance with FAR Part 10, market research has been conducted for this acquisition. Market research was performed by querying the Government database in

search of registered SDVOSB at the Federal Government web portal for Veteran owned business: www.vetbiz.gov.

The VetBiz data base was searched in the SDVOSB community for Nevada and Nationwide, the North American Industry Classification System (NAICS) code used for this action is 236220 – Commercial and Institutional Building Construction. As a result of the market research conducted in the VetBiz database, the Contracting Officer found the following statistics:

	VetBiz Nevada	VetBiz National
SDVOSB 236220	83	1225

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable.

The CO will exercise her authority to negotiate a fair and reasonable contract price based on the Independent Government Cost Estimate (IGCE) and also the construction estimates prepared by the A/E of record.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Market research was conducted, eighty-three (83) certified SDVOSB were found in the state of Nevada and one-thousand, two hundred twenty-five (1,225) certified SDVOSB nationwide; however, NCO 22 is exercising the authority of the Veterans First Contracting Program since UNKS construction is a certified SDVOSB with qualification's and direct experience with the VASNHS to provide the Fisher House site utility preparation. The business decision to utilize the Veterans First Contracting Program is to meet the critical schedule requirement for contract award of the utility site preparation to coincide with the ground breaking schedule of the construction of the Fisher House building.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

The Fisher House to be constructed at the North Las Vegas VAMC will be shared by active duty service members receiving care at the Mike O'Callaghan Federal Medical Center located on Nellis Air Force Base, North Las Vegas, NV.

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

A list of sources that expressed in writing or showed an interest in the acquisition is not available; however, market research was conducted in accordance with FAR Part 10 – Market Research. Market research was performed by querying the Government database searching for registered SDVOSB at the Federal Government web portal for Veteran owned business: www.vetbiz.gov. The result is described in paragraph eight 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:

Future requirements for the Fisher House utility site preparation can be competed; if there is no requirement to complete site preparation with a restrictive schedule that necessitates the work be completed by a specific date prior to ground-breaking.

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.

Maureen A.
Downen 921888

Digitally signed by Maureen A. Downen 921888
DN: dc=gov, dc=va, ou=internal, ou=people,
0.9.2342.19200300.100.1.1=maureen.downen@va.gov, cn=Maureen A. Downen 921888
Date: 2015.03.13 14:42:31 -0700

Name: Brian McClung
Title: Chief Engineering Service
Facility: VAMC North Las Vegas

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.

Maria Cruz-
Thompson 305871

Digitally signed by Maria Cruz-Thompson 305871
DN: dc=gov, dc=va, ou=internal, ou=people,
0.9.2342.19200300.100.1.1=maria.cruz-thompson@va.gov, cn=Maria Cruz-Thompson
305871
Date: 2015.03.13 15:32:40 -0700

Maria Cruz-Thompson
Contracting Officer
Network Contracting Office 22

Date

b. **Director of Contracting / Designee:** I certify the justification meets requirements for other than full and open competition.



Kevin W. Blanchard
Director of Contracting
Network Contracting Office 22

3-13-2015
Date

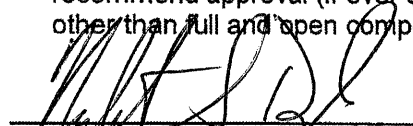
c. **SAOWest:** I certify the justification meets requirements for other than full and open competition.



Christopher S. Williams
Acting Director, SAOWest

3/18/15
Date

d. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$12.5 million) or approve (\$650K to 12.5 million) for other than full and open competition.



Norbert S. Doyle, Jr.
VHA Head of Contracting Activity (HCA)

3/24/15
Date