

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Exception to Fair Opportunity Memo

1. **Contracting Activity:** Department of Veterans Affairs, Veterans Integrated Services Network (VISN) 15, and Network Contracting Office (NCO) 15 on behalf of the Leavenworth KS VA Medical Center. Purchase request #589-15-3-3020-0220 has been received fully funding the desired acquisition.

This is a Justification for Other Than Full and Open Competition to acquire emergency trucking – laundry transportation services.

2. **Description of Action:** The proposed contract is for a firm-fixed-price five (5) month bridge contract to provide commercial trucking services to furnish regularly scheduled pick-up and delivery of laundry carts containing soiled and clean laundry between the Dwight D. Eisenhower VA Medical Center and the VA Medical Centers located in Topeka KS; Wichita KS; Kansas City MO and Columbia MO. Schedule shall be:
 - Wichita KS – Mondays and Thursdays
 - Columbia MO – Tuesdays and Fridays
 - Kansas City MO – Mondays, Wednesdays and Fridays
 - Topeka KS – Mondays and Thursdays

This is an EMERGENCY BRIDGE CONTRACT for continuing services after the existing contractor has notified the VA that they are going out of business and will cease providing services effective 06-01-2015. The furnishing of laundry services is critical to the operation of four VA Medical Centers and their being able to provide patient care. The disruption of services for even one day would impact the health of patients and may force the curtailment of medical services. No alternative services have been identified as available on such a short notice.

3. **Description of Supplies or Services:** The Contractor shall provide all labor, materials and transportation necessary to provide for the distribution of clean laundry to and return of soiled laundry from the Veterans Affairs Medical Centers, Wichita, KS, Topeka, KS, Kansas City, MO and Columbia, MO from the VA Medical Center, Leavenworth, KS. The contractor shall furnish drivers, tractors and seven (7) 45' trailers to perform the work set forth in this specification. The distribution of the laundry shall include, but is not limited to, transportation of clean and soiled laundry, sanitation of the trailers, backing into loading docks, switching trailers, and loading and off-loading carts from the trailer. Contractor shall be responsible for providing trailers with an interior that is capable of being sanitized. The trailer must be capable of holding an estimated 24 carts that are 28" x 55" x 55". NAICS 484110 - General Freight Trucking, local (size standard of \$27.50m), and PSC V112 – Transportation: Motor Freight, apply. Total estimate cost of a five (5) month bridge contract is estimated to be \$128,013.00.
4. **Statutory Authority:** The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505 Subpart 16.505(b)(2)(i):

() FAR Subpart 16.505(b)(2)(i)(A): The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

() FAR Subpart 16.505(b)(2)(i)(B): Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

() FAR Subpart 16.505(b)(2)(i)(C): The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.

() FAR Subpart 16.505(b)(2)(i)(D): It is necessary to place an order to satisfy a minimum guarantee.

() FAR Subpart 16.505(b)(2)(i)(E): For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source". The statutory authority permitting an exception to fair opportunity for this action is 38 U.S.C. 8127(c), known as the Veterans First Contracting Program which provides the authority to directly contract with a Service-Disabled Veteran-Owned Small Business (SDVOSB) or a Veteran-Owned Small Business (VOSB).

(XX) FAR Subpart 16.505(b)(2)(i)(F) In accordance with section 1331 of Public Law 111-240 (15 U.S.C. 644(r)), contracting officers may, at their discretion, set aside orders for any of the small business concerns identified in 19.000(a)(3). When setting aside orders for small business concerns, the specific small business program eligibility requirements identified in part 19 apply.

5. **Rationale Supporting Use of Authority Cited Above:** Three 8 (a) certified vendors were registered in NAICS 484110. After reviewing the services that all three furnish it was determined that only one vendor, Cherokee Distribution Services Inc., can provide the required services. Time is of the essence in establishing a contract, and sufficient time is not available to conduct a competitive acquisition, so, in accordance with FAR 19.805-1 (b) the Contracting Officer has determined that there is not a reasonable expectation that at least two eligible and responsible 8(a) firms will submit offers at a fair market price, and as such the Small Business Administration (SBA) may accept the requirement for a sole source 8(a) award. On 05-26-2015 an offer was made to the SBA to establish a contract with Cherokee Distribution Services Inc., and on 05-27-2015 the SBA accepted the offer.
6. **Efforts to Obtain Competition:** Because of the emergency time requirement to have a bridge contract in place prior to 06-01-2015 normal competitive procedures could not be followed. Market research was conducted to identify potential vendors capable of providing the services. Two vendors were identified who were capable of providing the services. Unfortunately one does not yet have a registration and certification in System for Award Management (sam.gov) so could not be

considered for award. The other is an SBA 8 (a) certified contractor and is capable of providing the required services and is able to start 06-01-2015.


7. Actions to Increase Competition: The contract to be established is an emergency bridge contract that will allow critical services to be provided to four (4) VA Medical Center while a competitive acquisition is conducted to establish a base and four (4) option year contract.

8. Market Research: Limited market research was conducted due to the emergency time requirement to have a bridge contract in place prior to 06-01-2015.

9. Other Facts: None.

10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

Jacqueline M.
Roemer
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Jacqueline Roemer
Chief, EMS
VA Eastern Kansas


May 28, 2015

Date

11. Determination that Anticipated Cost is Fair and Reasonable: A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable: Will be accomplished through a comparison of contract pricing to an Independent Government Cost Estimate (IGCE) and previous contract pricing.

12. Contracting Officer's Certification: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Larry A BUELL
346126



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Name Larry A Buell, CPPO
Title Contracting Officer
Facility Network Contracting Office (NCO) 15

05-28-2015

Date