

Attachment 2: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, SAO - East, NC0-8, Orlando VA Medical Center. The above listed Contracting agency is submitting this Justification for Other than Full and Open Competition on behalf of the Orlando Facilities Management Service, for the purchase request 2237# 675-15-3-6540-1323, which has an estimated cost of \$130,099.99
2. **Nature and/or Description of the Action Being Processed:** This action is for a new Firm Fixed Priced Contract for construction services.
3. **Description of Supplies/Services Required to Meet the Agency's Needs** This project will replace the existing ceiling, lighting, and provide proper/adequate floor sealant in H-3K604, H-3K608B, H-3K912, H-3L401, and H-3L407 at the Lake Nona Orlando VA Medical Center. Install a hard gypsum ceiling and resinous floor sealant at the Lake Nona Orlando VA Medical Center, Sterile Processing Services (SPS), and Preparation area-room. The estimated cost to complete this requirement is \$130,099.99.
4. **Statutory Authority Permitting Other than Full and Open Competition:** The authority permitting other than full and open competition for this requirement is 41 USC §253(c), as implemented by FAR 6.302-5, Authorized or required by statute. Furthermore, Public Law (PL) 109-46 I, the Veterans Benefits, Health Care, and Information Technology Act of 2006. Title V, Sections 502 and 503 as codified at 38 U.S.C. §§ 8127 and 8128 is applicable which authorizes the Department of Veterans Affairs to sole source requirements to responsible Service Disabled Owned Veterans Small Business (SDVOSB) at dollar thresholds between the simplified acquisition threshold and \$5 Million.

 - () (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;
 - () (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):** 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 Sole Source awards to service disabled veteran-owned small business concerns.

(a) A contracting officer may award contracts to SDVOSB concerns on a sole source basis provided:

- (1) The anticipated award price of the contract (including options) will not exceed \$5 million;
- (2) The requirement is synopsisized in accordance with FAR Part 5.

- (3) The SDVOSB concern has been determined to be a responsible contractor with respect to performance; and
- (4) Award can be made at a fair and reasonable price.

(b) The contracting officer's determination whether to make a sole source award is a business decision wholly within the discretion of the contracting officer. A determination that only one SDVOSB concern is available to meet the requirement is not required.

(c) When conducting a SDVOSB sole source acquisition, the contracting officer shall ensure businesses are registered and verified as eligible in the Vetbiz database prior to making an award. The anticipated award price is less than \$500K. A separate determination of the contractor's responsibility has been made in accordance with FAR 9. A sole source award is proposed pending negotiation of fair & reasonable price. VetCon Services meets all the requirements specified in the aforementioned public law, and is determined responsible in accordance with FAR 9.104-1 Responsible Perspective Contractor. This Vendor was selected based on recommendations from the Resident Engineer and past performance on projects for VAMC Orlando. Projects managed and completed by Erik Stor, President & CEO, VetCon Services.

- Correct life Safety Deficiencies - \$106,149

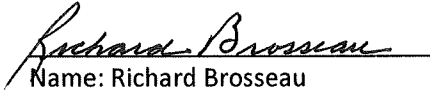
- SPD Asbestos Abatement - \$47,287

It is believed that VetCon Services will be able to meet the sensitive requirements of construction activities within SPS. Both previous projects for the Orlando VAMC included construction operations in SPS/SPD and resulted in zero downtime due to contractor issues. A separate determination of contractor responsibility has been made IAW FAR 9.

The CO is recommending an SDVOSB sole source to VetCon Services based on the aforementioned, and pending negotiation of a fair and reasonable price.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The Department of Veterans Affairs (NCA 8) intends to solicit from only one offeror IAW FAR 6.302-5.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** To determine fair and reasonableness of contractors pricing, the contracting officer will utilize price analysis techniques specified at FAR Part 15.404-1 (b) (2) (ii) and (v). To be more accurate in the comparative analysis, the vendor price proposal will be required to be submitted in a similar format as the independent estimate so individual cost breakdown items may be evaluated on their own merit for reasonableness. A sole source award is proposed pending negotiation of fair & reasonable price.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research has been conducted using VETBIZ and the results indicated that an adequate number of Service Disabled Owned Veteran Small Businesses showed that it would be likely that in an SDVOSB set-aside two or more bids would be received.
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:** The VA prides itself in capitalizing on the advantages of the competitive market by providing full and open competition under normal circumstances. This procurement, due to its impact on the opening of the Lake Nona hospital necessitates a different course, thus the Contracting Officer has determined that it is in the best interest of the government to pursue a sole source with VetCon. Also by contracting with VetCon, the VA continues in its efforts to expand the pool of available SDVOSB's. Future Sole source actions related specifically to this project are not anticipated.
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.


Name: Richard Brosseau
Title: Assistant Service Chief, FMS
Facility: Orlando VAMC

6/25/2015
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.

Cory Pfenning
Contract Specialist
NCA 8

06/26/2015
Date