

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 9, Huntington VA Medical Center has purchase request 581-16-1-506-0015 to acquire full fire protection and suppression service.
- 2. Nature and/or Description of the Action Being Processed:** Huntington VA Medical Center has a need for full time fire protection and emergency fire suppression services. These services must be provided by a full time firefighting agency 24 hours a day, 7 days a week, 365 days per year. They must be within 3.5 miles of the entry to the VA premises. The fire protection shall apply to all acreage and buildings, including materials located within the VA premises. The contractor shall comply with NFPA 1901, Standard for Pumper Fire Apparatus.

This action will be awarded as a new firm-fixed price contract. The contract will be for a base year and two (2) one-year options.

- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** Fire protection/suppression service is needed 24 hours a day, 7 days a week, 365 days per year. The City of Huntington shall maintain a minimum of three (3) trained, full time fire fighters on duty with each responding unit. The contractor will initially respond to a call with at least two (2) pumper trucks with the capacity of 750 GPM or greater and equipped with hoses and other accessories. They must also respond with one aerial ladder truck with the ability to service a minimum of 8 floors after initial response.

In accordance with MP-3, Part III, change 22 (34.04), it is a federal requirement that a VA medical facility operate with fire protection services. If the services are not provided by onsite VA fire personnel and equipment, then those services must be provided by a government entity. The City of Huntington is the only full time firefighting agency that is within a reasonable distance to meet a quick response time.

The period of performance for this requirement is a base year with two (2) one-year options beginning 10/1/15.

Base Year	10/1/15-9/30/16	12MO	\$17,917.75	\$215,013.00
Opt Yr 1	10/1/16-9/30/17	12MO	\$17,917.75	\$215,013.00
Opt Yr 2	10/1/17-9/30/18	12MO	\$18,239.84	\$219,958.08
Total Base Plus Option Years				\$649,984.08

4. Statutory Authority Permitting Other than Full and Open Competition: 41 USC §3304(a)(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;

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

This procurement will be made under FAR 6.302-1, Only one responsible source and no other supplies or services will satisfy agency requirements. The City of Huntington is the only full time fire department within the local area that can provide firefighting services. They have all the trained personnel and equipment to meet the needs of the Huntington VA Medical Center.

The City of Huntington has the capability of arriving at the VA within 8 minutes of the initial call. They have all the licenses and permits to provide the firefighting services.

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

Past procurement searches have revealed the same services with the same SOW resulted in sole source awards.

It is noted in the NAICS table by the Small Business Administration that Sector 92—Public Administration small businesses 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.

A sole source award notice will be posted on FBO.

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

The independent government cost estimate is average from the previous historical contracts that have been in place the last couple of years. These amounts have been compared to other historical contract costs at other VA Medical Centers requiring the identical services.

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. There is only one (1) full time fire department within 3.5 miles of Huntington VA Medical Center and that is City of Huntington. There are 2 volunteer fire departments nearby, but can't perform the requirements outlined in MP-3, Part III, Chapter 4 (34.04) even if combined. Neither have the personnel or equipment.

It is noted in the NAICS table by the Small Business Administration that Sector 92—Public Administration small businesses 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 Huntington VA Medical Center does not currently house a federal fire department at the campus.

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

No other sources expressed an interest in providing these services to Huntington VA Medical Center.

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 new sources that could meet the requirements for 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.

_____	09/22/2015
Daniel K. Nicholson	Date
Safety Manager	
Huntington VA Medical Center	

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.

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

Katrina L. Cruz
Contracting Officer
Network Contracting Office (NCO) 9

09-22-2015

Date

- b. **Contracting Officer's Supervisor: (Required \$25K and above)** I certify the justification meets requirements for other than full and open competition.

Lori A. Krohn
Contracting Officer, Supervisor, East
Network Contracting Office (NCO) 9

Date

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

Linda S. Greaves
NCO 9, Director of Contracting or Designee

9/22/2015

Date