

**SOLE SOURCE JUSTIFICATION FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR
CERTAIN COMMERCIAL ITEMS (FAR 13.5)**

1. Contracting Activity:

The contracting organization responsible for this action is Department of Veterans Affairs, Network Contracting Office (NCO) 22 located at 4811 Airport Plaza Drive, Suite 600, Long Beach, CA, 90815.

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

NCO 22 proposes to enter into a new contract on a sole source basis with EvergreenCali, 7004 Goldenrod Way Carlsbad, CA, 92011. The contemplated contract type is a firm-fixed-price (FFP), single-award Indefinite-Delivery Indefinite-Quantity (IDIQ) for a period of performance of one year. The purchase request transaction number is 664-16-1-5034-0006 with an estimated cost of \$499,999.99.

This procurement is in accordance with FAR Part 13.5 Simplified Procedures 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 sole source justification using the format of FAR 6.303-2.

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

The purpose of this initiative is to provide mold remediation services at VA San Diego Healthcare System (VASDHS), 3350 La Jolla Village Drive, San Diego, CA 92161 in an ongoing effort to prevent further mold growth due to flood caused by a broken sprinkler head. Performance must commence no later than October 3, 2015.

The severity of water damage sustained by VA San Diego medical center required immediate mold abatement and remediation services from the 4th floor to the basement of Building 1. According to the Chairman of Infection and Environmental Control Committee, this large volume of water classified as black water is highly contaminated. To mitigate the dominant concern of the presence of mold and other organisms increasing the risk for serious health conditions for patients and employees, continuous treatment of mold contaminated surfaces is imperative to limit exposure and possible adverse health conditions caused by mold presence.

4. Statutory Authority Permitting Other than Full and Open Competition:

- a) 41 United States Code (U.S.C.) 1901, as implemented by FAR 13.106-1(b)(2)
- b) Title 38 U.S.C. Sections 8127 and 8128, enacted as part of the Veterans Benefits, Health Care and Information Technology Act of 2006

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

The authorities cited in section 4 permit the use of FAR Part 13.5 Simplified Procedures for Certain Commercial Items for sole source acquisitions and allow the Department of Veterans Affairs Contracting Officers to make awards to Service-Disabled Veteran-Owned Small Business (SDVOSB)

and Veteran-Owned Small business (VOSB) firms using other than full and open competition when conditions set forth in VA Acquisition Regulation (VAAR) 819.7007 are met.

The proposed contractor, EvergreenCali, has the experience and expertise to provide the required services. This Service-Disabled Veteran-Owned Small Business (SDVOSB) contractor provided several proven instances of successful past performance that are directly relevant to the scope of this effort. They have demonstrated the ability to mobilize within a 24-hour period and meet the delivery schedule required by the Government. Awarding a contract to EvergreenCali on a sole source basis will ensure proper remedial measures are carried out successfully on these critical tasks without further delay.

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

In accordance with VAAR 819.7007(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."

A synopsis of the proposed contract action under VA262-15-Q-1424 was posted on Federal Business Opportunities (FBO) website on 9/25/2015 and received one response from another source. Due to urgent and complex requirement of this acquisition, only EvergreenCali was contacted to obtain the services described in section 3 due to the immediate need and EvergreenCali's availability to mobilize on October 3, 2015.

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

The anticipated cost to the Government will be determined to be fair and reasonable based on a comparison of recent contract pricing and the Independent Government Cost Estimate.

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

A search on Vetbiz.gov conducted on 9/23/2015 using NAICS code 562910 – Remediation Services revealed 289 vendors.

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:

(a) EvergreenCali, 7004 Goldenrod Way Carlsbad, CA, 92011, SDVOSB

(b) [REDACTED]

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 contracting and program office will continue to conduct market research to assist in identifying other sources that are capable of performing the required services with the intent to pursue future procurement as competitive.

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.



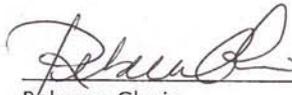
Andrea Martinez
Project Engineer
VA San Diego Healthcare System

10/01/15

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.



Rebecca Gloria
Contracting Officer
Network Contracting Office 22

10/01/15

Date

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



Kevin W. Blanchard
Director of Contracting
Network Contracting Office 22

10/1/15

Date