

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

Department of Veterans Affairs, VISN 8, Malcom Randall VA Medical Center requests authorization to proceed with other than full and open competition to Install Resinous Flooring located in the Dental Lab.

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

This is a request for other than full and open competition for the construction services for purchase request 573-16-1-3022-0003– Install Resinous Flooring on Dental Lab at Malcom Randall VA Medical Center. This is a Firm-Fixed-Price (FFP) Construction Contract.

Proposed award for this procurement is to Blue Cord Design & Construction, LLC: a Service Disabled Veteran Owned Small Business (SDVOSB), General Construction Company specializing in federal construction.

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

Work covered under this contract consists of furnishing all labor, materials, tools, equipment, supervision and necessary transportation to Install Resinous Flooring on Dental Lab at the Malcom Randall VA Medical Center. This project will provide / install approximately 850SF of (light grey) resinous flooring at a minimum thickness of 15 mills, over properly prepared concrete substrate at Dental Lab Room # E2-63-1.

The estimated cost of this project is \$16,750.00 and the period of performance is 30 calendar days for the construction phase after issuance of the Notice to Proceed.

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

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.

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

Authorized by statute under the authority of 38 USC §8127-§8128 (Sections 502 and 503 of Public Law 109-461, December 22, 2006, FAR Part 6.302-5(b) (6), and VAAR 819.7007 sole Source awards to service disabled veterans-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.

Proposed award for this requirement is to Blue Cord Design & Construction, LLC, a Service Disabled Veteran Owned Small Business (SDVOSB), General Construction Company specializing in federal construction.

Blue Cord Design & Construction, LLC has been serving the Gainesville VAMC with quality construction services for more than five years. They are qualified as a SDVOSB with satisfactory construction services based on the company's past performance on various project at this Medical Center. Expertise in this area assists healthcare facilities in meeting the stringent requirements of dental Services. The company maintains a full time project manager to assist with the development of timely cost proposals, a full time superintendent, a full time foreman, as well as a full time construction crew.

Their in-depth understanding of VA standards as a design-build contractor for the VA coupled by their firsthand knowledge of the existing conditions at this facility affords them the ability to recommend sound solutions in short order and deliver quality results with minimal impact to the facility's operation. Blue Cord Design & Construction, LLC is a responsive and compliant contractor that self-performs work on every project and their team operates with proven integrity.

Blue Cord Design & Construction, LLC is immediately available for the execution of the work. As the contractor is currently mobilized for a larger projects awarded to them in FY15, it is expected the facility will realize a savings on the SOW for this project in terms of mobilization cost. The contractor had continuously received positive past performance on all projects previously completed at the Gainesville VAMC.

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 a fair and reasonable price.

The Engineering office is recommending an SDVOSB sole source to Blue Cord Design & Construction, LLC based on the aforementioned information.

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

While there are other contractors in Vetbiz.gov, A determination that only one SDVOSB concern is available to meet the requirement is not required per the authorities cited in paragraph 5.

A special notice announcing the contract action will be posted to FEDBIZOPPs as required per VAAR 819.7007. The J&A document will be posted to FEDBIZOPPs within 14 days after award in accordance with FAR 6.305. The award synopsis will be posted to FEDBIZOPPs in accordance with FAR 5.301(a) (2).

The Contracting Officer has determined that Blue Cord Design & Construction, LLC is a qualified SDVOSB; and will provide superior construction services based on the company's past performance on various projects completed at Gainesville VA Medical Center and other VA locations in Florida.

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

Based on the authorities cited in this justification, a sole source award under the Veterans Benefits Act of 2003 to subject contractor is proposed pending negotiation of a fair and reasonable price for the project SOW. It is expected negotiations will result in a cost which compares favorably to the independent government estimate.

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

The VIP database was queried in accordance with VAAR 810.001, Market Research policy. Blue Cord Design & Construction, LLC is listed in the VIP database along with other multiple SDVOSB concerns.

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

Per authorities cited in paragraph 5, the determination whether to make a sole source award is a business decision wholly within the discretion of the Contracting Officer and is based on facts and determinations contained within this justification and further described in Paragraphs 5 and 6. This project will provide/install approximately 850SF of (light grey) resinous flooring at a minimum thickness of 15 mills, over properly prepared concrete substrate at Dental Lab Room # E2-63-1 at Gainesville's VA Medical Center. While many SDVOSB contractors are qualified in general construction activities; this project requires the expertise in meeting the stringent requirements of dental Services. The Contracting Officer has discussed this requirement with Facilities Management Service as well as the contractor and made the business decision that Blue Cord Design & Construction, LLC has the flexibility and working relationship and expertise on this area.

At the present time, there is no assurance that a competitive procurement would guarantee these results. The Contracting Officer has determined that this business decision is within the statutory authority provided in Paragraph 4, for Other than Full and Open Competition and supports this Sole Source justification to a qualified SDVOSB in accordance with 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 under the Veterans Benefits Act of 2003 to Service Disabled Veteran-owned Small Business concerns.

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

Multiple SDVOSBs exist in the VIP database; however, 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. The CO has determined that a sole source award is in the best interest of the VA.

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:


Any future sole source requirements for Gainesville will be rotated to other SDVOSBs that have been determined responsible. Additionally we will further use market research to search for new, emerging SDVOSB's in the local area and utilize this sole source ability to grow those emerging companies.

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.



Francisco Flores, General Engineer

10/22/15
Date



Herminio Sanchez-Cirilo, Acting Chief
Facilities Management Services

10/23/15
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.

John E. Petersen, Contracting Officer
Construction Team 1
Network Contracting Office – 8

10-26-15
Date

b. **Product Line Supervisor (PLS): <\$150,000.00** - I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Edward F. Schuman, Contracting Supervisor
Construction Team 1,
Network Contracting Office - 8
NF/SG, Miami and Orlando

Date

c. **Director of Contracting/Designee: >\$150,000.00** - I certify the justification meets requirements for other than full and open competition.

Raymond McCain, Division Chief
Construction Network Contracting Office – 8

Date