

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval (J&A)
For Other Than Full and Open Competition


Acquisition Plan Action ID: VA263-16-AP-0333

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 23 Minneapolis, MN Construction Product Line; 708 South 3rd St. Suite 200E, Minneapolis, MN 55415 is the contracting organization responsible for this justification for other than full and open competition. Funding is presently available on VA Form 2237 # 656-16-2-0256-0018.
2. **Nature and/or Description of the Action Being Processed:** This individual justification and approval (J&A) authorizes the use of sole source acquisition procedures for the Department of Veterans Affairs to enter into a contract with Patriot Abatement Services, LLC for carpet replacement and asbestos removal services at the St. Cloud VA Health Care System Facility; 4801 Veterans Dr., St Cloud, MN 56303. The action will be awarded as a new firm fixed price contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The St. Cloud VA Medical Center has a need to remove and replace carpet in Building 48. This acquisition is anticipated to be awarded no later than March 15, 2016. The Independent Government Estimate for this acquisition indicates the magnitude of construction is between \$100,000 and \$250,000. The expected period of performance is 104 Calendar days after receipt of the notice to proceed.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC 253(c)(5) and 38 USC 8127(c), as implemented by:
 - () (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):** Public Law 109-461, the Veterans Benefits, Health Care and Information Technology Act of 2006 as codified by 38 USC 8127(c) provides authority to the Department of Veterans Affairs to engage in sole source acquisitions with Service Disabled Veteran Owned Small Businesses (SDVOSBs). Asbestos Abatement is required in order to facilitate the replacement of the carpet required by this project. Patriot Abatement Services, LLC has been verified as a SDVOSB contractor and is licensed by the State of Minnesota to perform these services.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Patriot Abatement Services, LLC. Is an experienced healthcare facility asbestos

Other Than Full and Open Competition (OFOC)
Request for Sole Source Justification VA263-16-R-0094 Carpet Bldg. 48 1st Floor

abatement contractor with the experience, equipment, personnel and pool of subcontractors adequate to satisfactorily accomplish this project in a timely and cost effective manner. In addition, they have an established track record of providing quality services at prices at or below the Government Estimate for similar size projects. Per FAR 5.202(a)(4), a synopsis is not required. Due to the authority of Public Law 109-461, the qualifications of the SDVOSB contractor and the urgency of the requirement, no additional sources will be solicited.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** An Independent Government Estimate (IGE) was prepared by VA Facilities Engineering staff based on their past experience and familiarity with the market place. This IGE and a technical evaluation of the contractor's proposal will be used as part of a subsequent determination of Price Reasonableness prior to any award being made.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Patriot Abatement Services, LLC. Is listed online at vetbiz.gov as having been verified as a SDVOSB by the Center for Veterans Enterprise. A search was conducted finding 4 Service Disabled Veteran Owned Small Businesses with past performance in hospital construction and one VOSB. Only Patriot was licensed in the state of Minnesota for abatement.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The existing carpet is extremely worn and past its life expectancy presenting potential tripping hazards, as well an unprofessional and non-aesthetically pleasing environment. Additionally, funding is currently available for this project. Due to time constraints with FY16 funding, if award is not made as soon as possible funds for this project may be diverted to other projects.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None.
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:** If it is discovered additional carpet replacement project requiring asbestos abatement are identified, the Government will then take required steps necessary to adequately consider performing a full and open competition for potential future requirements, if market research indicates more SDVOSBs licensed in the state of Minnesota.
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.


Randy L. Collins
FM Engineering Technician
St. Cloud VA Medical Center

2-12-16
Date

13. **Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.**

Other Than Full and Open Competition (OFOC)
Request for Sole Source Justification VA263-16-R-0094 Carpet Bldg. 48 1st Floor

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Joseph H. Embry 393025

Digitally signed by Joseph H. Embry 393025
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=joseph.embry@va.gov, cn=Joseph H. Embry 393025
Date: 2016.02.16 06:22:20 -06'00'

Joseph Embry
NCO 23 Contracting Officer
Minneapolis Construction Product Line

Date