

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs
 G.V. Sonny" Montgomery VA Medical Center
 1500 E. Woodrow Wilson Drive
 Jackson, MS 39216

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

The VA Regional Office has a new requirement and proposes to establish a Firm Fixed Price contract with E & B Contracting, LLC, a Service Disabled Veteran Owned Small Business (SDVOSB) for miscellaneous building improvements within the facility Under the Statutory Authority Permitting Other Than Full and Open Competition FAR 6.302-5 "Authorized or Required by Statute" P.L. 109-461. The contractor is registered as an SDVOSB in VetBiz and CCR. E & B Contracting, LLC has experience in similar type and size projects for other federal agencies. The contractor has completed other projects at this Regional Office and provided exceptional service at a fair and reasonable price.

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

E & B Contracting, LLC will provide labor, materials, and supervision to perform all work associated with project entitled "Building Improvements" Project. Performance shall be in accordance with Performance Work Statement dated 07 Sep 2011. Work includes, but is not limited to, demolition of carpeting and wall finishes; surface preparation for new finishes; installation of carpeting, wall finishes, and trim; installation of a Sensa Phone system; install AV equipment/podium/control systems in training rooms; integrate PC into sound system on 2nd floor training room. Estimated @ \$149,000.00.

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

(X) (5) Authorized or Required by Statute FAR 6.302-5

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 government recommends that a sole source Service Disabled Veteran Owned Small Business (SDVOSB) award be made to E & B Contracting. The following statutory authority is cited as justification to award a sole source Veteran Owned Small Business contract valued more than \$25,000 (simplified acquisition threshold) and less than \$5,000,000 (authority ceiling limit).

(1) Citations: 10 U.S.C 2034(c)(5)

(2) Full and Open Competition need not be provided for when –

(i) A statute expressly authorizes

Statute: P.L 109-461 Sec. 502 as codified in 38 U.S.C. § 8127(c)

Sole Source Contracts for Contracts Above Simplified Acquisition Threshold- For purposes of meeting the goals under subsection (a), and in accordance with the contracting officer the award will be made to a small business concern owned and controlled by veterans using procedures other than competitive procedures and the criteria meets the stipulations.

(1) Contractor determined to be a responsible source with respect to performance of such contract opportunity

(2) The anticipated award price of the contract will exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) but will not exceed \$5,000,000

(3) The contract award can be made at a fair and reasonable price that offers best value to the United States.

(4) The requirement will be synopsisized in accordance with FAR Part 5

(5) Contractor is registered in VIP data base.

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

Sole Source set-aside as authorized by statute. VAAR PART 819.7007 and 819.7008 Sole Source Awards to SDVOSB and FAR 6.302. A determination that only one SDVOSB concern is available to meet requirements is not required.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The government has determined that the anticipated cost will be considered fair and reasonable based on previous experience with the contractor and market research conducted directly on the price of the construction completed by the contractor. The IGE is \$149K and estimated by Support Services Engineer at the VA Regional Office.

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

Sole Source set-aside as authorized by statute. VAAR PART 819.7007 and 819.7008 Sole Source Awards to SDVOSB. A determination that only one SDVOSB concern is available to meet requirements is not required. Market research is based on construction history and experience with the contractor.

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

Full and Open Competition need not be provided for when (i) A statute expressly authorizes Statute: P.L. 109-461 Sec. 502 as codified in 38 U.S.C. § 8127(c)

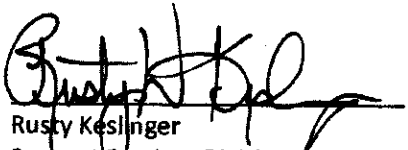
10. Listing of Sources that Expressed, in Writing, an Interest In the Acquisition:

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:

Sole Source set-aside as authorized by statute. VAAR PART 819.7007 and 819.7008 Sole Source Awards to SDVOSB and FAR 6.302. A determination that only one SDVOSB concern is available to meet requirements is not required. Full and open need not be provided for per P.L. 109-461 Sec 502 as codified in 38 U.S.C. 8172(c)

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.


Rusty Keslinger
Support Services Division
VA Regional Office, Jackson

9/9/11
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.


Calvin D. Fogle
CONTRACTING OFFICER
GV Sonny Montgomery VA Medical Center

9-20-11
Date