

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

**1. Contracting Activity:** Department of Veterans Affairs, VISN 16, G. V. (Sonny) Montgomery VA Medical Center, Jackson, MS.

**2. Nature and/or Description of the Action Being Processed:** Purchase Request 586-12-1-583-0019 requires the establishment of a service contract for the collection and disposal of nonhazardous refuse. The resulting contract will be a firm fixed price agreement with a one year period of performance. The estimated value of the contract is \$149,000.00. This estimate is based on actual costs incurred under existing contract which will expire on September 30, 2011. Approval to award a contract to Waste Management of MS, the incumbent contractor, is requested.

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

The contractor shall provide all labor, equipment, management and supplies required to accomplish collection and disposal services throughout the G.V. (Sonny) Montgomery VA Medical Center facilities. Required equipment and collection is as follows:

30 cubic yard compactor

LOCATION: Behind Plumbing Shop

Pick-ups to be made on Mondays & Thursdays between 7:00 AM & 12:00 Noon

20 cubic yard open top

LOCATION: Behind Linen Room

Pick-ups to be made on Tuesdays and Fridays between 7:00 AM & 12:00 Noon

30 cubic yard compactor

LOCATION: Medical Waste Facility

Pick-ups to be made on Thursdays between 7:00 AM & 12:00 Noon

20 cubic yard open top

LOCATION: East of the Laundry Ramp

Pick-ups to be made on call as needed

Vendor will need to be able to accomplish the requested pull within 24 hours of the call.

**Equipment Rental:**

1 - 30 cubic yard compactor LOCATION: Behind Plumbing Shop

1 - 20 cubic yard open top LOCATION: Behind Linen Room

1 - 20 cubic yard open top LOCATION: East of the Laundry Ramp

Vendor shall accomplish the requested pull within 24 hours of the call.

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

- ☐ (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):**

The existing nonhazardous refuse removal contract will expire on September 30, 2011. The anticipated replacement of this contract was a VISN 16 wide contract with Waste Management Inc. in which all activities would issue delivery orders under the VISN wide contract. The intent was to obtain volume pricing so all could benefit from the agreement. The VISN wide contract has not been awarded in a timely manner; therefore an emergency order is needed to insure this critical service continues without interruption.

Nonhazardous refuse removal is a critical need for every hospital. Hospital cleanliness is a primary component of a hospital maintaining its JCAHO accreditation. JCAHO accreditation insure the hospital meets those standards that insure patient safety and quality care and failure to maintain accreditation means the facility would lose its qualification to obtain Medicaid/Medicare reimbursement and provide the highest standard of care to America's veterans.

Significant disruption of the VA mission would severely impact the veterans' ability to acquire critical care for immediacies of injuries. Award to the incumbent, and would preclude any unacceptable delays in the accomplishment of the VA mission. If this J&A for a new contract is not approved, it will jeopardize the needed care including critical surgery abilities to receive proper medical treatment that are required to prepare for immediate medical treatment. Considering all of the direct, secondary and cumulative impacts to VA mission, the logistic support capabilities to satisfy those requirements will not be met without the continued support of the existing contractor, on site, already to employ the essential supplies and services at the highest level of reliability and effectiveness based on historical experience.

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

A VISN wide anticipated replacement contract is currently underway and the intent is to bridge this contract into the new contract which will utilize Full & Open Competition. The anticipated VISN wide contract will be awarded within 6-9 months. Using Full & Open Competition on the anticipated contract all eligible offerors will be given consideration for this requirement for FY 2013.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Include a statement by the contracting officer that the anticipated cost will be considered fair and reasonable. The fair and reasonableness of the cost/price will be based on an analysis of the contractor's cost/price proposal, including backup information supporting the cost/price of prior similar contracts. It is anticipated this analysis will be conducted using experienced technical representative, contract specialists, and field pricing support.

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

A technical review has been made to determine and identify all known sources.

**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:**  
See Section VI above.

**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:**

A VISN wide anticipated replacement contract is currently underway and the intent is to bridge this contract into the new contract which will utilize Full & Open Competition. The anticipated VISN wide contract will be awarded within 6-9 months. Using Full & Open Competition on the anticipated contract all eligible offerors will be given consideration for this requirement for FY 2013.

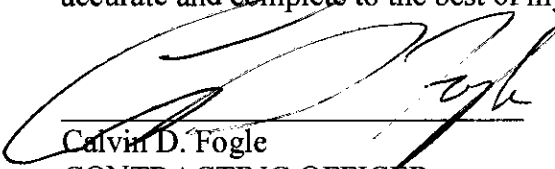
**12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

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Mary Ann Poole  
COTR  
Jackson VAMC

\_\_\_\_\_  
Date

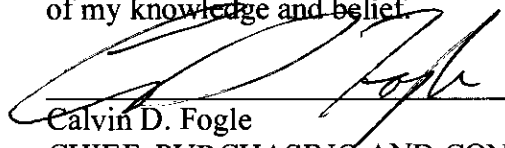
**13. Approvals in accordance with FAR 6.304**

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

  
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Calvin D. Fogle  
CONTRACTING OFFICER  
Facility

30 Sep 11  
Date

**b. CHIEF P&C:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
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Calvin D. Fogle  
CHIEF, PURCHASING AND CONTRACTING  
Jackson P&C, VISN 16

30 Sep 11  
Date