

Attachment A: Request for Sole Source Memo Format
DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 04, Heinz Acquisitions. \$165K requisition (646-11-4-5545-0074) submitted by FMS for Utility Services Contract at the Consolidation Building (#29) at the University Drive Medical Center.
2. **Nature and/or Description of the Action Being Processed:** New contract award (FFP) for procurement of Utility Services in the Consolidation Building through Hi-Def Contracting, Inc., a CVE (VIP)-certified SDVOSB. Estimated award date: 09/25/11 using FY 11 monies.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** To provide equipment installation within the Consolidation Building 29. Installation of VA-furnished equipment as well as contractor-supplied equipment/labor and any other components necessary to complete equipment installation and provide a completed project. Estimated start date: 10/01/11 and estimated period of performance is 60 days.
4. **Statutory Authority Permitting Other than Full and Open Competition:** *41 USC §253(c), as implemented by FAR 6.302-5(a)(b), Authorized or Required by Statute.* Citations: 15 U.S.C. Sole-source awards under the Veterans Benefits Act of 2003; P.L. 109-461 (implemented by the OALC IL 049-07-8) establishing SDVOSB's as priority over other small businesses in hierarchy at VA; VAAR 819.7004 establishing this priority; OAL's Veterans First Contracting Program allowing sole-source to SDVOSB's; and VAAR 819.7007: (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.
 - (c) When conducting a SDVOSB sole source acquisition, the contracting officer shall ensure businesses are registered and verified as eligible in the VIP database prior to making an award.

FAR 6.302-2(a)(2), Unusual and Compelling Urgency. Cited as a lesser reason only due to end of FY time limitations.

- () (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- (X) (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):**

b. Unusual and Compelling Urgency (FAR 6.302-2(b)(1))-

The work in the stairwell of bldg 29 is a safety risk for our patients and staff. Currently bldg 29 has a stairwell that goes from basement level up to the penthouse (6 floors) with a 10' x 10' unobstructed area in the middle of the stairs. This is a mental health facility and if a patient were to gain access, they could possibly jump or push a staff person down the open stairwell. We cannot open this building with this known life safety risk and need this contract to correct the deficiency.

d. Authorized or Required by Statute (FAR 6.302-5) - See statutes in 4 above that are clear in their permission and encouragement to sole-source to SDVOSB's as a matter of public and agency policy.

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

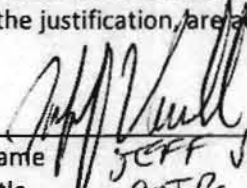
Sources Sought Synopsis: Issued on FBO 9/18/11- no responses received.

Other Actions: N/A

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost will be fair and reasonable because an IGE was developed in conjunction with the requisition, because Hi-Def is known to be typically low in price (lower than IGE and competitors when competed), the requirement that certified cost/pricing data will be required with offer submission (and evaluated), and the expertise of the FMS personnel in doing so.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research conducted- there are other contractors that could perform the work, but the SDVOSB SSJ request is based on statute and urgency and because it is very desirable to achieve a continuity of the equipment/system design already installed in other VAPHS facilities by Hi-Def.

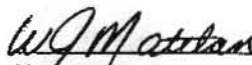
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The building construction has completed and we are in the process of activation. It is urgent that we correct this life safety issue so we can open the building for veteran use as scheduled.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** N/A.
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:** Future procurements of a similar nature, but without the connectivity issues and other constraints, may be made open to full competition.
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.


Name JEFF VUKOBRA
Title COTR
Facility VAPHS

9/27/11
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.


Name _____
Title _____
Facility _____

9-28-11
Date

- b. **One Level above Contracting Officer:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name
Title
Facility

Date

- c. **Network Quality Assurance/Compliance Review:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name
Title
Facility

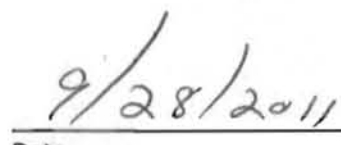
Date

- d. **NCM:** I certify the justification meets requirements for other than full and open competition.



Name

Network Contract Manager
VISN X



Date

- e. **SAO East:** I certify the justification meets requirements for other than full and open competition.

Jeffrey R. Ryan
Director
Service Area Office, East

Date

- f. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.

Norbert Doyle
Acting Head of Contracting Activity (HCA)
Veterans Health Administration

Date

Service Area Office, East
Department of Veterans Affairs
323 North Shore Drive, Suite 500
Pittsburgh, PA 15212

Memorandum 2011-003
March 16, 2011

- g. VHA Senior Procurement Executive Approval (over \$50 million): I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Jan R. Frye
Deputy Assistant Secretary
Office of Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

Date