

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)**

Acquisition Plan Action ID: VA261-15-AP-7603

1. Contracting Activity: Department of Veterans Affairs, VISN 21, Network Contracting Office (NCO) 21, McClellan Park, CA.

2. Nature and/or Description of the Action Being Processed: A new *firm fixed* price contract will be established for the maintenance of emergency generators which support the VA Palo Alto Health Care facility.

FAR13.5 Test Program: This procurement is for emergency generator maintenance services and is in accordance with FAR 13.5 Test Program for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

3. Description of Supplies/Services Required to Meet the Agency's Needs: This contract will be for maintenance services of the emergency generators supporting the VA Palo Alto Health Care facility. The estimated amount is \$493,088 and the contract will be for a base year plus one (1) option year.

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
- (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;

FAR13.5 Test Program: The authority for applying the Commercial Test Program of FAR 13.5 is (Section 4202 of the Clinger-Cohen Act of 1996) and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

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 or Required by Statute (FAR 6.302-5) – This acquisition is being made under the authority of 38 U.S.C. 8127 and 8128, Sections 502 & 503 of Public Law (PL) 109-461 and VAAR 819.7007, which allows the VA to make a sole source award to a SDVOSB if the following conditions are met:

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

- a. The proposed contractor is determined to be a responsible source with respect to performance of such contract opportunity;
- b. The anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 134 of title 41) but will not exceed \$5,000,000; and
- c. In the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers the best value to the Government.
- d. The requirement is synopsisized in accordance with FAR Part 5.
- e. The contracting officer shall ensure businesses are registered and verified as eligible in the VIP database prior to making an award.

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

Source Sought Synopsis: A sources sought was not posted because a qualified SDVOSB (incumbent contractor) is already known.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The incumbent contractor is a SDVOSB. The prices that are offered on the current contract were based on a competitive proposal IAW FAR 15. The Government has a reasonable expectation that the prices on the new contract will be fair and reasonable.

A price analysis will be conducted comparing the contractor's quote to the Independent Government Estimate and historical pricing.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Market research was not conducted because the incumbent is an SDVOSB that has provided quality services. Under the authority of the Veterans First Program, the Government is pursuing a sole source award.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: No additional information.

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

McCann Contracting Inc.
14205 S. 30th Ave.
Bellevue, NE 68123-2694
DUNS: 179359232

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: These services will required on an on-going basis. The Veterans First Program allows sole source awards to SDVOSBs. When the new contract is up for renewal a determination will be made on whether it is in the Government's best interest to compete the new contract or pursue it again sole source with the incumbent.

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.

_____	December 11, 2015
Raul Cruz	Date
Maintenance Control Manager	
VA Palo Alto Health Care System	

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

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

_____	_____
Mark Mikus	Date
Contracting Officer	
NCO 21	