

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA262-15-AP-10049

1. **Contracting Activity:** The contracting organization responsible for this action is Department of Veterans Affairs, Network Contracting Office (NCO) 22 located at 4811 Airport Plaza Drive, Suite 600, Long Beach, CA, 90815.
2. **Nature and/or Description of the Action Being Processed:** This procurement is in accordance with FAR Part 13.5 Simplified Procedures 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 sole source justification using the format of FAR 6.303-2.

The proposed action is a modification to increase the estimated contract value of the existing IDIQ contract (VA262-16-D-0004) for mold remediation at VA San Diego Healthcare System, 3350 La Jolla Village Drive, San Diego, CA 92161. This contract is valid through 09/30/2016 and the original cost is \$499,999.99. The task orders issued against this IDIQ contract have reached the maximum estimated overall contract value. Increasing the contract will allow for additional orders expected to be placed against this contract vehicle. The estimated cost for this modification is \$334,857.40.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** In August 2015, VA San Diego Medical Center sustained damages due to a flood caused by a broken sprinkler head. The severity of water damage requires a continuous service for mold remediation. The ongoing effort and continuous treatment of mold contaminated surfaces is imperative to limit exposure and possible adverse health conditions caused by mold presence. Continued contractual support to provide this required service is crucial in limiting property damage, minimizing interruption of hospital operation and maintaining a healthy environment for our Veterans and staff.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - a) 41 United States Code (U.S.C.) 1901, as implemented by FAR 13.106-1(b)(2)
 - b) Title 38 U.S.C. Sections 8127 and 8128, enacted as part of the Veterans Benefits, Health Care and Information Technology Act of 2006
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 authorities cited in section 4 permit the use of FAR Part 13.5 Simplified Procedures for Certain Commercial Items for sole source acquisitions and allow the Department of Veterans Affairs Contracting Officers to make awards to Service-Disabled Veteran-Owned Small Business (SDVOSB) and Veteran-Owned Small business (VOSB) firms using other than full and open competition when conditions set forth in VA Acquisition Regulation (VAAR) 819.7007 are met.

The incumbent contractor, EvergreenCali, has the experience, expertise and resources to provide the required services. This Service-Disabled Veteran-Owned Small Business (SDVOSB) contractor is capable of satisfying our Agency's current requirement and has proven past successful performance on all seven (7) task orders issued against the established IDIQ contract. They have demonstrated the ability to mobilize within a 24-hour period and have met the delivery schedule required by the Government. Awarding the additional work to EvergreenCali on a sole source basis will ensure proper remedial measures are carried out successfully on these critical tasks without further delay.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** In accordance with VAAR 819.7007(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."

In addition to the paragraph above, no other sources were contacted due to the immediate need and complexity of this requirement. However, a synopsis of the proposed contract action will be posted on Federal Business Opportunities (FBO) prior to award and the J&A will also be posted within 14 days after award of contract modification as required by FAR Part 6.305(a).

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost to the Government is determined to be fair and reasonable as there will be no changes in price for each line item of the aforementioned contract. With five (5) months remaining in the period of performance, the proposed modification is the most logical and cost effective solution for the Government to maintain continuity of services. Attempting to transition to a new Contractor during this short period of time would ultimately result in unacceptable delays and may cause negative impacts on direct patient care and health of employees occupying the affected areas.

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

See section 6 above.

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:**

(a) EvergreenCali, 7004 Goldenrod Way Carlsbad, CA, 92011, SDVOSB

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:**

The contracting and program office will continue to conduct market research to assist in identifying other sources that are capable of performing the required services with the intent to pursue future procurement as competitive.

- 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.

Andrea Martinez

Digitally signed by Andrea Martinez
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Diego, ou,
email=Andrea.Martinez@va.gov, c=US
Date: 2016.05.04 15:41:05 -07'00'

Andrea Martinez
Project Engineer
VA San Diego Healthcare System

Date

13. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP](#).

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

JENNELYN B.
PETERS 578544

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Jennelyn Peters
Contracting Officer
Network Contracting Office 22

Date

- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Rebecca L.
Gloria 116014

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Kevin W. Blanchard
Director of Contracting
Network Contracting Office 22

Date