

## **Justification and Approval for Other than Full and Open Competition FAR 6.302-5 Authorized Or Required By Statute**

**1. Agency and Contracting Activity Identification:** Department of Veterans Affairs, Office of Construction and Facilities Management, 425 I Street NW, Washington, DC 20420

**2. Nature of Acquisition Being Approved:** This is a request for other than full and open competition for the procurement of labor and mobilization to install a temporary movable electrical substation. Due to an unusual and compelling urgency and pursuant VAAR 819.7007 and FAR 6.303-2 this office request the Contracting Officer limit competition on subject procurement action to Service-Disabled Veteran-Owned Small Business Concerns (SDVOSB) and award sole source to San Diego Project Management PSC.

### **3. Description of Requirement:**

Phase 2 Outpatient Addition (OPA) Project includes a main electrical connection to a Medical Center electrical substation in order to energize all electrical equipment that will be installed under this project. The Medical Center electrical substation upgrade is currently being constructed by a San Juan Medical Center NRM Project (672-08-101). This project is significantly behind schedule and will not be completed on time for the new connection of Phase 2 OPA Project.

This situation will substantially impact the critical path of the project to the point that it may be necessary to issue a Stop Work Order. In order to avoid this imminent impact we concurred that the best solution at this point is to install a temporary electrical substation.

We have discussed different contracting alternatives to award this contract and we believe that the best solution is to award a sole source contract to the SDVOSB that currently is working with the San Juan Medical Center NRM Project.

The name of the company is San Diego Project Management PSC. We believe that this new procurement action will be more advantageous and cost effective to the Government that if this contractor performs this work for the following reasons:

- a. Contractor is already mobilized in the vicinity of the construction area. The project impact to the San Juan Medical Center will be significantly reduced since the contractor can use the same lay down area that he is currently is using for other contracts. As of now, the assignment of new contractor staging areas is very limited due to space constraints within the San Juan Medical Center. This will also decrease the overhead costs.
- b. Contractor has gone through the VA submittal process and is also familiar with all other submittals required by the contract specifications saving time in the completion of the project. They are also familiar with all the PR Local permits requirements.

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We can utilize the PR Electrical Power Authority permit process already performed by this contractor; this is a saving of approx 6 month.

- d. Contractor already has the knowledge of the site utility conditions involved that will reduce considerably the pre-construction efforts and demolition associated costs and time. They have already mobilized and staffed on site.
- e. San Diego project Management, PSC, is a VIP database registered and verified SDVOSB and has been determined to be a responsible contractor with the experience and capability to complete the work in the allotted time. Contractor is registered in the CCR.

**4. Statutory Authority Permitting Other Than Full and Open Competition: VAAR**  
81 9.7007 and FAR 6.303-2.

**5. The Nature of the Acquisition Requires Use of the Authority Cited:** Without this contract award the critical path of Phase 2 OPA project will be substantially impacted to the point that it may be necessary to issue a stop work order and the contractor performance will be suspended or worst case Terminated, it is in the best interest of the Government to sole-source this procurement to a SDVOSB Contractor.

**6. A Description of Efforts Made to Ensure That Offers From as Many Potential Sources As Practicable and Whether a Notice Will Be Publicized.** Not applicable. See Paragraph 3, 4, and 5 above. A synopsis is not required per FAR 5.202(a) (2).

**7. Anticipated Cost:** The Contracting Officer shall deem the anticipated cost as fair and reasonable under FAR 15, Current IGE is between \$250,000.00 and \$500,000.00.

**8. Results of Market Survey:** Market research recently performed by VISN 8 to support award of MATOC.

**9. Any Other Facts Supporting the Use of Other Than Full and Open Competition:** None. See Items 3, 4, 5 and 8 above.

**10. Any Other Interested Sources?** There are no other SDVOSB's that expressed in writing an interest in the acquisition. See Items 3, 4, and 5 above.

**11. A Statement of the Actions, if any, the Agency May Take To Remove or Overcome Any Barriers to Competition Before Any Subsequent Acquisition is required:** No actions taken. See Items 3, 4, and 5 above.

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12. I hereby certify that the above is accurate and complete to the best of my knowledge and belief.

*William Picking, Jr.*

10/12/11

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William Picking, Jr.  
Project Manager

\_\_\_\_\_  
Date

Concur:

*Diane Campbell*

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Diane Campbell  
Contracting Officer

*10/12/2011*

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Date