



DEPARTMENT OF VETERANS AFFAIRS
Office of Acquisition Operations
Strategic Acquisition Center – Frederick
321 Ballenger Center Drive, Suite 125
Frederick, MD 21703

Justification and Approval for Other than Full and Open Competition
6.302-5 – Authorized or required by statute

1. Identification of the agency and the contracting activity.

This Justification and Approval (J&A) for Other Than Full and Open Competition is executed by the Strategic Acquisition Center in Frederick, Maryland on behalf of the Department of Veterans Affairs (VA), Office of Small & Disadvantaged Business Utilization (OSDBU), Center for Verification and Evaluation (CVE).

2. Nature and/or description of the action being approved.

This action is a non-competitive award (sole-source) with GCC Technologies, LLC (GCC) for the procurement of professional services to help collect and process information, engage with applicants, analyze documentation, and recommend approval/disapproval of Veteran applications submitted through the CVE Verification program.

A solicitation for a long-term contract was posted to the Government Point of Entry; however, a pre-award protest was received and the agency elected to take corrective action. As part of the corrective action, the agency cancelled the solicitation to afford the program office the opportunity to consider the issues raised in the protest and revise the performance work statement (PWS) accordingly. As a result, the award for the long-term effort has been delayed. In order to avoid a lapse of critical services, a sole source contract will be issued to one of the current incumbent contractors, GCC.

3. A description of the supplies or services required to meet the agency's needs (including the estimated value).

The contractor shall furnish all personnel, facilities, supplies, equipment, training, and oversight to provide administration, case equivalent management, data collection and analysis, regulatory analysis, project management, and customer service to applicants. There may be fluctuation in the volume of the tasks based on public law, policy, and/or variation in the volume of Veteran applications. The required capabilities shall be maintained in the face of any fluctuation in the tasks or quantity of work in the following mission areas:

- All phases of the verification core application process in identified in the Verification Process Workflow;
- Verification process information collection, review, analysis; report of removals and withdrawals; and report of findings and recommendations for approval/disapproval for each case equivalent; and
- Verification case equivalent management and problem resolution.



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The proposed period of performance for this action is one, three-month base period, followed by three, one-month option periods. The total estimated value of the proposed action with options is \$4,467,361.06.

4. An identification of the statutory authority permitting other than full and open competition.

The statutory authority permitting other than full and open competition for this procurement is Public Law (PL) 109-461, Veterans First Contracting Program, as codified at 38 U.S.C. 8127 and 8128 and implemented at Veterans Affairs Acquisition Regulation (VAAR) Subsection 819.7007(c).

5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

38 U.S.C. 8127(c) permits a contracting officer to award a contract to a CVE verified SDVOSB using procedures other than competition if:

- (1) such concern is determined to be a responsible source with respect to performance of such contract opportunity;
- (2) 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
- (3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

The proposed action meets all three of the requirements of 38 U.S.C. 8127(c). First, GCC has been verified by CVE as owned and controlled by a service-disabled veteran. GCC provides acquisition, administrative, compliance, and information technology support services to Government agencies. Further, GCC has successfully provided services to the VA similar to the required services for approximately five years. GCC is also registered in the System for Award Management (SAM) as a small business under the applicable North American Industry Classification System (NAICS) code. As such, GCC is determined to be a responsible source with respect to performance of this opportunity.

Second, the anticipated award price of the contract (including options) is \$4,467,361.06 and, therefore, does not exceed the statutory threshold.

Finally, the contracting officer estimates that the award can be made at a fair and reasonable price that offers best value to the United States. The VA possesses ample historical pricing information that can be used to determine whether the proposed price is fair and reasonable



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and, depending on the contracting officer's analysis of the proposed price, to further negotiate the proposed price. Because GCC has already competed for and been awarded a contract with the VA for similar services, it is likely that it will again be able to submit an offer providing best value to the United States. Most importantly, the contracting officer will not award a contract without first determining that the proposed price is fair and reasonable and the offer represents best value.

By law, the VA must complete the verification process for each applicant within 60 days. This sole source award will ensure that the VA does not fail to meet the statutory 60 day deadline or develop a backlog of applications. As the incumbent contractor, GCC is the only CVE verified SDVOSB capable of commencing contract performance within the required timeframe. Award to another SDVOSB will likely cause a lapse of critical services.

6. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies.

In accordance with 819.7007(b), the determination to make a sole source award to an SDVOSB is a business decision wholly within the discretion of the contracting officer; therefore, the requirement to ensure that offers are solicited from as many potential sources as practicable is not applicable to this procurement. In addition, 819.7007(c) further authorizes the contracting officer to make the award without first determining that only one SDVOSB source can meet the requirement.

A notice of the proposed action will be synopsisized via the Government Point of Entry (GPE) in accordance with FAR Section 5.201, and the agency will make publicly available the justification required by 6.305(a) within 14 days after contract award.

7. A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

No award shall be made until the Contracting Officer determines the costs to the Government to be fair and reasonable. This determination will be based on the historical pricing data agreed to in one or more VA contracts for the same or similar services.

8. A description of the market research conducted (see Part 10) and the results or a statement of the reason market research was not conducted.

As the sole SDVOSB incumbent contractor, GCC was the only SDVOSB reviewed. Market research was conducted using CVE's Vendor Information Pages (VIP) database to ensure that GCC is verified by CVE as an SDVOSB. The VIP search confirmed that GCC is verified by CVE. In addition, GCC is also registered in the SAM as a small business under the relevant NAICS code.



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9. Any other facts supporting the use of other than full and open competition.

The FAR allows restrictive provisions or conditions to the extent necessary to satisfy the needs of the agency or as authorized by law (FAR Subsection 11.002(a)(1)(ii)). As such, the Government has discretion to reasonably restrict competition as long as that requirement is needed to meet the agency's minimum need.

10. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.

None.

11. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.

The VA is currently in the planning phase of a requirement for a long-term, competitive contract for the same services. The sole-source contract will be structured using a short base period with multiple short option periods to permit the transition of the required services to the long-term contract as soon as the long-term contract is ready for award.



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12. Certifications / Signatures.

Technical Representative Certification:

Pursuant to FAR Subsection 6.303(c), I certify that any supporting data that is my responsibility and which forms a basis for the justification is complete and accurate to the best of my knowledge and belief.

McGrath,
Thomas

Digitally signed by McGrath, Thomas
DN: dc=gov, dc=va, ou=EndUser,
ou=InternalStaff, cn=McGrath,
Thomas
Date: 2016.08.11 15:09:58 -04'00'

Thomas J. McGrath
Director
Center for Verification and Evaluation

Date

Contracting Officer Certification/ Approval:

Pursuant to FAR Subsection 6.303-2(b)(12), I certify that this justification is accurate and complete to the best of my knowledge and belief and approval is thus provided.

JULIE L PARTRIDGE 382024

Digitally signed by JULIE L PARTRIDGE 382024
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Date: 2016.08.18 09:24:15 -04'00'

Julie L. Partridge
Contracting Officer
Strategic Acquisition Center – Frederick

Date

Agency Competition Advocate Certification/ Approval:

The Agency Competition Advocate (see 806.501(a)¹) signature below meets the justification approving authority requirements in accordance with VAAR 806.304, Approval of Justification, Table 806.304-1 and FAR Section 13.501(a)(2)(ii). Proposed contract amount is over \$650,000 but not exceeding \$12.5² million.


Clint Druk
Agency Competition Advocate
Office of Acquisition Operations

8/18/16
Date

¹ Reference VA Memorandum, Advocate for Competition Appointment (VAIQ #7643688), dated October 26, 2015
² Reference VA Class Deviation from Federal Acquisition Regulation 6.304(a)(1); VA Acquisition Regulation (VAAR) 819.7007(b) and VAAR 819.7008(b) (VAIQ #7280823), dated December 27, 2012.