

DEPARTMENT OF VETERANS AFFAIRS
Justification and For
Other Than Full and Open Competition

1. Contracting Activity:

Department of Veterans Affairs
Network Contracting Office 8 (NCO 8)
8875 Hidden River Parkway
Suite 560
Tampa, FL 33637

2237 # 573-16-3-3285-0077

2. Nature and/or Description of the Action Being Approved: Network Contracting Organization – 8 (NCO-8) anticipates the sole source award of a firm-fixed price contract for the replacement of the AC 2 supply fan with housed Plenum fans at the Malcom Randall VAMC in Gainesville, FL.

3. Description of Supplies/Services Required to Meet the Agency's Needs: Contractor is to provide all labor and materials to replace the fans for air conditioning unit 2. The estimated value of this requirement is \$250,000.

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
- ☒ (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):

(a) Veteran's Affairs Acquisition Regulation (VAAR) Part 819.7007 Sole Source Awards to service disabled veteran-owned small business concern. A Contracting Officer may award contracts to Service Disabled Veteran Owned Small Business (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.
- (4) Award can be made at a fair and reasonable price; and

(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 Vendor Information Pages (VIP) database prior to making an award.

Biosphere International, Inc. is registered in the VIP database as a SDVOSB and is a responsible source with respect to this contract opportunity

Biosphere International, Inc.
13139 W. Linebaugh Ave. Suite 202
Tampa, FL 33626-4498

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable, including whether a notice was or will be publicized as required by 5.2 and, if not which exception under 5.202 applies.** While there are other contractors in Vetbiz.gov, a determination that only one SDVOSB concern available to meet the requirement is not required per the authority cited in paragraph 5. The estimated value of this requirement is greater than \$25,000 and thus will be synopsisized IAW Part 5.301(a) (1).
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The contracting officer's anticipates an agreement between Government and Biosphere International, Inc. will result in a Fair and Reasonable Price.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The VIP database was queried in accordance with VAAR 810.001, Market research policy. Biosphere International, Inc. is listed in the CVE database as a Service Disabled Veteran Owned Small Business.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Under the authority granted by Public Law 109-461, the VA is authorized to set-aside contracts and/or award sole source awards to SDVOSB and VOSB firms.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Not Applicable. IAW 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.
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:** There are no barriers to competition. We are using the authority granted by VAAR 819-7007 Sole Source Awards to Service Disabled Veteran Owned Small Business concerns as a tool to award End of Year (EOY) small value construction requirements to repair/fix facility deficiencies.
12. **CO certification that justification is accurate and complete and to the best of the CO's knowledge and belief.:** 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.

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