

**DEPARTMENT OF VETERANS AFFAIRS**

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

Acquisition Plan Action ID: VA262-16-AP-6088

**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:**

The proposed action is to enter into a bridge contract with In and Out Valet Company, 366 Wendel Road, Irwin, PA 15642, by conducting a non-competitive procurement method. The contemplated contract type is a firm-fixed-price (FFP) contract for a period of one year. The purchase request transaction number is 664-17-1-5083-0002 with an estimated cost of \$2,889,204.00.

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.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:**

The purpose of this initiative is to provide valet parking services to park six hundred (600) vehicles for VA San Diego Healthcare System (VASDHS). This requirement shall be performed at the Contractor's facility and must be within ten (10) driving miles from VASDHS. The period of performance shall begin on January 1, 2017 through December 31, 2017.

**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):**

Authorized or Required by Statute (FAR 13.501):

In accordance with 41 U.S. Code 1901 and is implemented by FAR Part 13.501(a)(1)(ii) allows for the procurement of items and/or services through other than full and open competition; when a statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source, or the agency's need is for a brand name commercial for authorized resale. The

proposed vendor, In and Out Valet Company, is a Service Disabled Veteran-Owned Small Business (SDVOSB) and is certified by Vetbiz.gov.

The statute identified under Public law 109-461 Title 38 Veteran's Benefits U.S. Code 8127 allows sole source contracts above the simplified acquisition threshold to be awarded to a small business concern owned and controlled by veterans using procedures other than competitive procedures so as long as the following are met:

- (a) A contracting officer may award contracts to 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; and
  - (4) Award can be made at a fair and reasonable price.
- (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 VIP database prior to making an award.

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.

Lack of accessible parking has been a great concern at VASDHS. One of the reasons affecting this issue apart from limited parking space is the number of ongoing constructions onsite. To minimize the additional burden caused by delays due to excessive time spent searching for a parking space, the Government has determined that the incumbent, In and Out Valet Company, continue the valet parking services by issuing a bridge contract.

The proposed action is the most efficient and cost effective solution for the Government in order to maintain continuity of support until a long term contract can be properly awarded. In addition, the existing parking facility at the Contractor's site where the service is currently being provided is already built and fully operational to meet our Agency's current requirement. Attempting to transition to a new vendor with insufficient time to conduct a competitive procurement may result in unacceptable delays and negative impact on direct patient care.

Furthermore, the Incumbent contractor has the experience, expertise and resources to provide the required services. This SDVOSB contractor has proven successful past performance on previous contracts and demonstrated the ability to meet the delivery schedule required by the Government. Awarding the proposed bridge contract to In and Out Valet Company will ensure proper measures on parking needs 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:**

A notice of intent to sole source with the proposed contractor was publicized on Federal Business Opportunities (FBO) website on 11/08/2016 and followed by publicizing the combined synopsis/solicitation on the same website on 11/10/2016. As a result, these postings received responses from the following vendors as listed below:

- a) Parking Veterans – SDVOSB
- b) Life Safety Group, LLC – Small Business
- c) Van Horn Vacations LLC – Small Business
- d) Veterans United, LLC – Small Business
- e) Bloomberg – Received insufficient information, unable to identify business size.

**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 based on the comparison of the price offer from In and Out Valet Company and the unsolicited offer received from [REDACTED]

[REDACTED] In addition, the market research also revealed that there are no other vendors capable of providing the Agency's specific requirements at this time. As stated in section 5, the proposed action is the most efficient and cost effective solution for the Government to maintain continuity of services. Attempting to transition to a new Contractor with insufficient time to conduct a competitive procurement would ultimately result in unacceptable delays and may cause negative impact on direct patient care.

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

As mentioned in section 7, market research result revealed that there is only one known SDVOSB contractor capable of satisfying the Agency's requirement at this time. The posting of the proposed contract action as stated in section 6 resulted in a number of responses via email from various vendors, see findings below:

SOURCES	FINDINGS
Parking Veterans	[REDACTED]
Life Safety Group, LLC	[REDACTED]

Van Horn Vacations, LLC	
Veterans United, LLC	
Bloomberg	

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:**

While the current contract has the option to extend services under FAR Part 52.217-8, it would be improper to exercise this option based on the protest decision and the corrective action. In an effort to explore other potential options, multiple parking sites were also contacted in the early stage of the acquisition process, but failed to return communications after several attempts.


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

- (a) Parking Veterans, 18282 Gramercy Drive, North Tustin, CA 92705
- (b) Life Safety Group, 12512 Knightsbridge Court Rockville, MD 20850
- (c) Van Horn Vacations, LLC, PO Box 68505 Indianapolis, IN 46268
- (d) Veterans United LLC, 3191 Emmons Ave Apt. 4E Brooklyn, NY 11235
- (e) Bloomberg (No physical address provided.)

**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. One of these strategies to promote competition includes hosting an Industry Day with potential contractors.

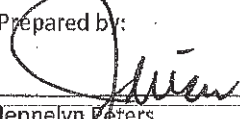
**12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

  
Martin Sizemore  
Chief of Police  
VA San Diego Healthcare System

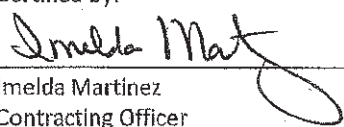
12/8/16  
Date

**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.

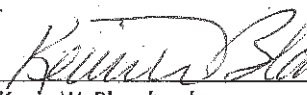
Prepared by:  
  
Jennelyn Peters  
Contracting Officer  
Network Contracting Office 22

12/08/2016  
Date

Certified by:  
  
Imelda Martinez  
Contracting Officer  
Network Contracting Office 22

12/08/16  
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.

  
Kevin W. Blanchard  
Director of Contracting  
Network Contracting Office 22

12/8/2016  
Date

- c. **VHA SAO HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$13.5 million) or approve (\$700K to 13.5 million) for other than full and open competition.

Delia A. Adams  
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Ms. Delia A. Adams, MBA, CPCM  
Director, SAO West  
VHA Head of Contracting Activity (HCA)

8 December 2016

Date