

# DEPARTMENT OF VETERANS AFFAIRS

## Justification and Approval For Other Than Full and Open Competition

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1. **Contracting Activity:** Department of Veterans Affairs, NCO 12, Great Lakes Acquisition Center, 115 South 84th Street, Milwaukee, WI 53214.
2. **Nature and/or Description of the Action Being Processed:** Tomah VA Medical Center in Tomah, WI has the need for asbestos abatement services necessary to provide all labor, materials, tools, equipment, and supervision necessary for project 676-17-001 Abate Asbestos Generator Rooms. This project involves the identification, removal and proper disposal of asbestos containing materials in buildings 445, 446, 447, 448 and 449 at the Tomah VAMC in Tomah, WI.

This is a sole source request for proposal to one SDVOSB contractor under the Statutory Authority Permitting Other than Full and Open Competition FAR 6.302-5. P. L. 109-461 by a Request for Proposal RFP under FAR Part 15

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

This project is for the identification, removal and proper disposal of asbestos containing materials in buildings 445, 446, 447, 448, and 449 at the Tomah VAMC, in Tomah, WI. Specifically, these designated buildings contain vermiculite filled walls in which vermiculite block leaks have been identified. Work consists of identification of vermiculite block leaks and top of wall leaks, HEPA clean-up of ACM floor material and seal-proofing of known block wall and top of wall leaks.

4. **Statutory Authority Permitting Other than Full and Open Competition:**

In accordance with 41 USC §3304(a)(1) as implemented by FAR 6.302-1:

(X) FAR 6.302-5: Authorized or Required by Statute

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 requirements' Request for Proposal (RFP) will be sent to Tropical Environmental Inc, an SDVOSB CVE certified contractor. Public Law 109-461 and VAAR 819.7007 allows a Contracting Officer to make a sole source award as a business decision within the business discretion of the Contracting Officer. It has been determined in the best interest of the government to award the subject project to Tropical Environmental Inc. in order to meet NRM award goals. Based upon our previous experience with Tropical Environmental Inc., they have demonstrated having the qualifications and technical expertise to perform and satisfy the requirements of this acquisition. Tropical Environmental Inc. has completed several other similar projects at the Clement J. Zablocki VAMC in Milwaukee, WI and Jesse Brown VAMC in Chicago, Illinois and provided exceptional service at a fair and reasonable price.

Tropical Environmental Inc. is registered as a CVE verified SDVOSB in the VetBizRegistry. They have performed well on previous contracts at Jesse Brown VAMC in Illinois and Clement J. Zablocki VAMC in Milwaukee and can meet the timeline (120 day POP) requirement for this project.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** There were no other vendors considered, as it is in the best interest of the government to award this project as a sole source award and is authorized by statute, VAAR Part 819.7007 and 819.7008 Sole Source Awards to SDVOSB and FAR 6.302. The anticipated award price of the contract will not exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** An Independent Government Estimate (IGE) of \$57,423.00 was developed. This estimate will be used in determining the contractors' proposal price to be fair and reasonable. A detailed price breakdown will be provided by the contractor in reply to the Request for Proposal solicitation. The Government will perform price analysis and pricing will be evaluated against the Government IGE to determine that the proposed price is fair and reasonable.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The VetBiz Registry results for NAICS Code 236220 found 46 matches for SDVOSB firms in Wisconsin, Michigan, Minnesota, Illinois, Iowa and Ohio. Therefore, competition could potentially exist if the project is set aside for service disabled veteran owned small business (SDVOSB) and solicited IAW FAR Part 14. However, due to the difficulty in identifying an SDVOSB who can meet the 51% direct labor requirement in accordance with the Service Contract Act and the lengthy process time involved for a full and open competition, it is the contracting officer's determination that it is in the best interest of the Government to procure asbestos abatement services as sole source procurement.

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

The contractor has demonstrated competence with multiple successful projects at Jesse Brown VAMC in Chicago, Illinois and the Clement J. Zablocki VAMC in Milwaukee, Wisconsin and has expressed enthusiastic interest in pursuing this project. The contractor is capable of directly performing the work themselves and will require only minimal subcontracting for asbestos monitoring purposes as they cannot perform the asbestos abatement work and monitoring services themselves.

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

ADV-SOC, Inc, Pacific Environmental Group, Excel Environmental Inc, MATOS Builders, MAVO Systems. Of these sources, only one, ADV-SOC, is a SDVOSB. ADV-SOC is based in California and indicated they would subcontract out the majority of the actual work and would not be able to meet the 51% direct labor requirement in accordance with the Service Contract Act.

**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:** None

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.

13. **Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.**

a. **Prepared by:**

\_\_\_\_\_  
Scott Cole  
Contract Specialist  
NCO-12

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Leon Jutrzonka  
Contracting Officer  
NCO-12

\_\_\_\_\_  
Date

c. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

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Ricky Bond  
NCO/PCO 12 Director of Contracting Designee  
Great Lakes Acquisition Center, Milwaukee, WI

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Date