

DEPARTMENT OF VETERANS AFFAIRS

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

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 12, Jesse Brown VA Medical Center Purchase Request #537-17-3-6112-0327
- 2. Nature and/or Description of the Action Being Processed:** Sole Source justification for the procurement of monthly landscaping services for the Jesse Brown VA Medical Center in Chicago, IL. These services will be procured via a new firm-fixed price contract.

This sole source acquisition is for a commercial item under \$6.5 million and will be procured in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items. Acquisitions using simplified acquisition procedures under FAR 13.5 are exempt from the requirements of FAR Part 6, but sole sources still require written justification and approval using the format of FAR 6.303-2.

This proposed action is for an open-market sole source procurement action for a landscaping contract for VISN 12 to Robert C. McDonough Construction, Inc., which is a CVE verified SDVOSB. The basis for the sole source award is FAR 6.302.5 "Authorized or Required by Statute," specifically a "Vets First" sole source action. The statutes which authorize this sole source procurement are Public Law 109-461 Sec. 502, 38 U.S.C. sect. 8127, and VAAR 819.7007.

- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** Jesse Brown VA Medical Center has a bona fide need for landscaping services in 2017. Monthly services will include mowing of grass, pruning of trees and bushes, planting and caring for flower beds. Estimated base year cost is \$52,260.00, with a total contract value (base plus four option years) of \$261,300.00. Period of Performance is Date of Award – 31 March 2018, with four one-year options to extend.

- 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 38 U.S.C. 8127, Public Law 109-461 Section 502 and VAAR 819.7007
- (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):**

VAAR 819.7007 authorizes a contracting officer to 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 synopsised 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.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Contracting Officer issued a Request for Information – Sources Sought to identify potential SDVOSB concerns with interest in performing this requirement. Further, contracting officer initiated contact with SDVOSBs that had not responded in order to ensure that SDVOSB concerns had an opportunity to express their interest and submit offers. Viking Brothers of Rubicon, WI expressed interest in performing this requirement, however their pricing (\$96,000 for the base year with an overall contract value of \$515,040.00) could not be determined to be fair and reasonable.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The IGCE was submitted at \$79,000 for the base year. Previous pricing (under contract VA69D-P-1817) to an SDVOSB concern was \$56,212.00. The market research quote from Viking Brother was \$96,000 for the base year. Robert C. McDonough Construction, Inc. quoted \$52,260 for the base year.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** RFIs for Sources Sought were issued on eBay and FBO from 2/24/17 – 3/1/17 and 2/24/17 – 3/6/16, respectively. Responses were received from one Hubzone SB, one woman-owned SB, and one Hubzone SB with a mentor-protégé agreement with an SDVOSB. Contracting officer further reached out to Viking Brothers, an SDVOSB based in Rubicon, WI. An offer was received from Viking Brothers (listed above) but was unable to be determined fair and reasonable.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**
Viking Brothers (SDVOSB)
TTCC (HubZone SB with SDVOSB mentor-protégé agreement with Robert C. McDonough)
Addon Services, LLC (Woman-owned 8(a) SB)
Dependable Lawn Care – incumbent (HubZone SB)
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:**
Contracting Officer will continue to search for means to solicit this requirement as total set-aside for SDVOSB concerns.
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. **Contracting Officer's Certification (required)**: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Ashley Johnson
Contracting Officer
JBVAMC

Date

- b. **Director of Contracting /Designee (Required \$700K and above)**: I certify the justification meets requirements for other than full and open competition.

Scott Ivy
Services Branch Chief
NCO 12

4/7/2017

Date