

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

**1. Contracting Activity:** Department of Veterans Affairs, Network 16 Contracting Activity- Jackson, 1600 E. Woodrow Wilson Drive, Jackson, MS 39216, Justification for Other Than Full and Open Competition IAW FAR 6.302-2 (Unusual and Compelling Urgency), Purchase request 323-12-3-111-0001

**2. Nature and/or Description of the Action Being Processed:** A firm-fixed price contract is contemplated for acquisition of emergency roof replacement services to address deficient roof at the Veterans Affairs Regional Office (VARO). The current roof was identified as deficient during a recent Hurricane Threat Assessment. The following acquisition of emergency roof replacement services will substantially decrease the amount of structural damage to the Veterans Affairs Regional Office (VARO) 323- Jackson.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:** The contractor shall provide all labor, materials, and equipment to remove existing ballasted roofs and replace with a SBS membrane cool roofing system at the VA Regional Office, 1600 E. Woodrow Wilson Ave, Jackson MS 39216. The total roof area is approximately 35,000 sqft. All work shall be performed between 6:30 AM and 4:00 PM. The installed roofing system shall conform to the statement of work. The government estimate to complete this work is \$950,000.00. Period of Performance is 90 days. The current roof was identified as deficient during a recent commissioned Hurricane Threat Assessment. It was determined that the current roof was not rated to withstand hurricane force winds, and the ballast material would become air-borne and cause extensive damage to real property, or possibly lethal to any persons in the vicinity. This entire facility is considered a structure that represents a substantial hazard to vital records in the event of failure.

The Hurricane Threat Assessment found that roofing aggregate and ballast can become windborne debris and cause damage to the skylights and surrounding buildings. Soffits are more susceptible to failure. Soffit failure would lead to water infiltrating the wall cavities and attic spaces, causing water damage to the interior of the building and additional pressure on the underside of structural roofing and propagate roof failure. The roof flashing will cause water seepage to the interior of the building. The failure of the flashing can also lead to additional pressure on the underside of structural roofing and propagate roof failure. Roof insulation attachment to concrete deck could result in water intrusion. The Hurricane Threat Assessment further concluded that the damage from a roof failure would effectively result in a closure of the VARO building, and air-borne debris could cause extensive damage to the West side of the VAMC, in particular the VA Nursing Home. As hurricane and tornado season approaches, it is prudent that the roof be replaced during the dry season and prior to tropical storms forming in the Gulf of Mexico to prevent an anticipated serious injury to the Government. The Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals for this immediate roof replacement.

**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):**

Two Service Disabled Veteran Owned Small Business's (SDVOSB), Paramount Construction & E&B Contracting, LLC are immediately available for the execution of the work. These vendors are registered and certified as SDVOSB's in VetBiz and CCR. The proposed contractors identified provide a uniquely qualified family of contractors that allow Veterans Affairs Regional Office (VARO) 323- Jackson to fulfill the requirements of VA and other without experiencing unacceptable delays in requirement execution. The contractors have demonstrated to the VA their unique skills, knowledge, and qualifications to execute highly specialized projects for VA and other Federal agencies. These contractors are familiar and experienced in the VA's business processes, applicable Government regulations, technical criteria, and Unified Facilities Guide Specifications required for successful execution of VA requirements. The immediacies of services, at the required capacity make it impractical for any other contractor(s) to meet this need.

The proposed contractors can meet our delivery requirements to preclude impairment of mission performance. At this time, it is not practical to solicit for full and open competition given the hurricane and tornado season are imminent; this work must be completed during the dry season and prior to tropical storms forming in the Gulf of Mexico to prevent an anticipated serious injury to the Government. A full and open competition as stated above would render the project abandoned for FY12 and the first 6 months of FY 13 due to weather inclinations, thereby introducing unacceptable risk to the Government from a potential roof failure. The proposed contractors carry the required Liability Insurance; they are uniquely qualified to satisfy this requirement. The proposed contractors have provided the same requirements to the VA with outstanding performance. The contractor's past performance on similar work at the G.V. Sonny Montgomery VAMC have been positive. The contractors have the capacity necessary to successfully complete the requirement within the designated timeframe.

The contracting officer considered the option of conducting a competition for the requirement that is needed, however based on the levels of approval and the documentation that would be required to conduct that competition; it is highly unlikely that awards could be made within the timeframe needed. Lead time to fulfill a new requirement is estimated at a minimum of 75 days (as identified in the approved VHA milestone for construction) and this timeline would not meet the customer's requirement. The process of awarding new contracts would have

been impractical to prepare new acquisition plans, strategies, RFPs, source selection documentation, staff source selection boards and make contract awards prior to Hurricane season and the dry period in Mississippi. Those actions would only delay the ability of VARO to proceed with mission performance.

Further, based upon the specific need, the contracting officer does not anticipate any other qualified contractors that will allow us to meet the customer's needs other than those contacted for the immediate need. For the reasons stated above, competition of this requirement outside of the contacted vendors will create substantial duplication of cost to the Government (in terms of time, money, and personnel).

**6. Description of Efforts made to ensure that offers are solicited from as many potential sources as deemed practicable:**

A competitive solicitation cannot satisfy this immediate requirement. As stated above, it would take a minimum of 75 (as identified in the approved VHA milestone for construction) days to develop an acquisition plan, strategy, RFP, etc., to have a competition for this requirement. The contracting officer considered the option of conducting a competition that is needed, however based upon the levels of approval and the level of documentation that would be required to conduct that competition; it is highly likely that contract awards could not be made within the timeframe needed.

Pursuant to FAR 5.202(a), a synopsis was not posted on the FedBizOpps website; "(2) The proposed contract action is made under the conditions described in 6.302-2". The Contracting Officer secured (2) two price proposals from with two Service Disabled Veteran Owned Small Business (SDVOSB) vendors that can provide the requirements. Of the two, E & B Contracting, LLC offered the lowest price quote. E & B can meet the VA's demanding POP schedule of 90 days. Price quotes were also received from Paramount Construction Group, LLC. This purchase will not be publicized on the FedBizOpps website in accordance with the exception 5.202(a)(2), unusual and compelling urgency. The Justification & Approval (J&A) will be posted as required by FAR part 5.

**Paramount Construction Group, LLC. (DUNS# 965560829)**  
3260 S Liberty Street  
Canton, MS 39046-5030  
Mr. Jonathan McDaniel  
601-859-2659

**E & B Contracting, LLC (DUNS# 796940661)**  
2554 Conifer Ct.  
Biloxi, MS. 39531-2750  
Mr. William Fulton III  
601-206-0797

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

The price offered has been determined by the contracting officer to be fair and reasonable

based on the submitted IGE, market research for like and/or similar items, and past historical purchasing data.

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

The Central Contractors Registry and VetBiz were searched for available SDVOSB Roofing firms in the serviceable area and identified none. Two certified SDVOSB General Construction Contractors were found in the local area that has the capacity and capability to mobilize and meet this need. Due to the urgent need to initiate emergency roof replacement in order to avoid anticipated serious injury to the Government and service to Veterans, Paramount Construction & E&B Contracting, LLC were the only roofing contractors contacted that was available to start the work immediately. No further market research was conducted.


**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:**  
None

**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:**

To satisfy ever-growing requirements, and other urgent requirements which may emerge in the future, full and open competitive solicitations are planned to cover future program needs as described above. The future competitive solicitation cannot satisfy this immediate requirement integral to expeditiously meeting the mission of the VA and without introducing a critical delay in delivery of Veteran services.

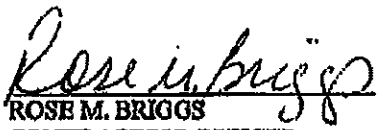
**12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge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

  
RUSTY W. KESLINGER  
CHIEF, SSD  
VA REGIONAL OFFICE, JACKSON (323)

4/13/12  
Date


**13. Approvals in accordance with FAR 6.304**

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

  
ROSE M. BRIGGS  
CONTRACTING OFFICER  
NETWORK 16 CONTRACTING ACTIVITY

4/13/12  
Date

**b. NCM/TCM:** I certify the justification meets requirements for other than full and open competition.

  
DAVID ROWLAND  
NETWORK CONTRACT MANAGER  
NETWORK 16 CONTRACTING OFFICE

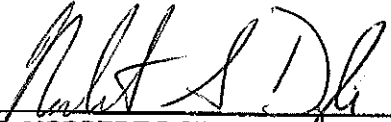
13 Apr 12  
Date

**c. SAO:** I certify the justification meets requirements for other than full and open competition.

  
RICKY L. LEMMON  
ACTING SAO DIRECTOR, CENTRAL REGION

24 Apr 12  
Date

**d. VHA HCA's 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 (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.

  
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MR. NORBERT DOYLE  
CHIEF PROCUREMENT OFFICER  
VHA, HEAD OF CONTRACTING ACTIVITY

5/10/12  
Date