

DEPARTMENT OF VETERANS AFFAIRS

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

1. Contracting Activity:

Department of Veterans Affairs
Network Contract Office 12, NCO 12
Great Lakes Acquisition Center
115 South 84th Street, Suite 101
Milwaukee, WI 53214-1476

2. Nature and/or Description of the Action Being Processed:

Clement J. Zablocki VA Medical Center, Milwaukee, Wisconsin, has a need for a new Indefinite Delivery-Indefinite Quantity (IDIQ) contract to award NRM and station level construction projects. Task Orders awarded under the IDIQ will be awarded as firm-fixed price actions. The period of performance will be one year and the contract will have a Not-to-Exceed amount of \$500,000.00. Task Orders will be issued between \$2,000.00 and \$500,000.00. For this new requirement, NCO 12 proposes to establish a firm fixed price contract with Progressive Construction Services, LLC, (Duns: 961607897), a Center for Enterprise (CVE) Service Disabled Veteran Owned Small Business (SDVOSB) 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 Agency Needs:

The VA Medical Center has a requirement for NRM and station level projects for various types of work including but not limited to, carpentry, roofing, interior renovation, mechanical, electrical, plumbing, demolition, masonry, fire protection, telecommunications, and HVAC.

Required Delivery Date: Dec 31, 2016. The facility has identified one (1) first quarter project that must be awarded by Dec 31, 2016 and two (2) second quarter projects for FY-17 that would benefit from award of an IDIQ contract vehicle. Additionally Clement J. Zablocki VAMC does not have a current contract vehicle in place to effectively address emergency construction needs that may arise; an IDIQ award would provide that vehicle. A replacement, \$100M construction MATOC contract is in the planning phase with award planned for the end of FY-2017. In the interim, the station has no construction IDIQ contract vehicle in place. This sole source IDIQ to Progressive Construction Services, LLC is intended to bridge the gap between now and late FY-17 when the MATOC is awarded.

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):

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. Although Progressive Construction Services, LLC is not the only SDVOSB contractor, it has been determined in the best interest of the government to award this contractor an IDIQ contract in order to meet NRM award goals and any other emergency task orders that may come up between now and anticipated MATOC award in summer-fall 2017. Progressive Construction Services, LLC is registered as a CVE verified SDVOSB in VetBiz. They have performed well on their most recent contracts at the Milwaukee VAMC, as well as meeting the 15% self-performance requirement. They also have a proven record of hiring reputable subcontractors that are familiar with working in healthcare settings.

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 exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) but will not exceed \$500,000.00.

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

An Independent Government Estimate (IGE) will be prepared for each task order. A detailed cost breakdown will be provided by the contractor. The Government will perform price analysis of each task order. Costs will be evaluated to determine that the proposed price is fair and reasonable and reflects reasonable value. Historical costs will also be utilized.

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

A search utilizing NAICS code 236220 was conducted to determine if other qualified CVE SDVOSB contractors would be able to meet the needs of this project. The VET Biz Registry - <https://www.vip.vetbiz.gov/> website was utilized. The search resulted in the identification of 87 CVE SDVOSB companies located in Illinois, Indiana, Wisconsin, and Michigan. A further review of recent bid openings for VISN 12 solicitations indicated that between 4-5 CVE SDVOSB have submitted offers. Although there are other CVE SDVOSB listed under the applicable NAICS code, due to the time limitations, it is the contracting officer's determination that it is in the best interest of the Government to procure the construction services as a sole-source procurement. Progressive Construction Services, LLC is currently on-site at the Milwaukee VAMC for the "111 Expand Urgent Care" (695-402) and "Parking Structure Lot 7" (695-325) projects. As such, they are already mobilized and are expected to save the government the time and cost of mobilizing a new contractor.

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

Progressive Construction Services, LLC is already mobilized on site wrapping up other projects. Progressive Construction Services, LLC has completed other projects at the facility and provided exceptional service at a fair and reasonable price.

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



Travis Sharp
Contracting Specialist
NCO 12

December 5, 2016

Date

- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.



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

December 5, 2016

Date