

**Memo For Record To Support
Other Than Full & Open Competition – Grounds Maintenance Services at Georgia National
Cemetery, Canton Georgia**

Date: 17 May 2017

1. **Agency.** Department of Veterans Affairs (VA), National Cemetery Administration, Contracting Service.
2. **Nature and/or description of the action being approved.** NCA intends to negotiate/award a sole source contract of Ninety (90) calendar days to Native Contractors, Inc., under the authority of VAAR 819.7007 (b) and (c) to provide Grounds Maintenance services.
3. **An identification of the statutory authority permitting other than full and open competition.** VAAR 819.7007, (b) & (c), for Sole source awards to service- disabled Veteran-owned small business concern.
4. **A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.** Currently the initial contract awarded for the same service (VA786-17-D-0097), has a protest after the award concern (B-4146871) from GAO and this office is taking the necessary action to provide continuous service to Georgia National Cemetery until the above issue is resolved. The (OGC) legal attorney (Benjamin Diliberto) addressing the protest on behalf of NCA Contracting Service has recommended/action taken to issue a Stop Work Order against contract number stated above. Thus, it was an emergent need to put a sole source contract in place for (90) ninety days to allow the national cemetery to receive continuous service required under NCA guidance.
5. **A description of efforts made to ensure that offers are solicited from as many potential sources as practicable, including whether a notice was or will be publicized as required by FAR Subpart 5.2 and, if not, which exception under FAR Subpart 5.202 applies.** VAAR 819.7007 (b) & (c), allows the Contracting Officer to directly contract/sole source award with a verified VIP SDVOSB for purposes of sustaining Georgia National Cemetery daily operations. It should be noted that this request is for only Ninety (90) calendar services.
6. **A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.** The contracting officer has previous historical contract pricing submitted by Native Contractors Inc., from past contract awards that will assist in determining the price to be fair and reasonable for this type of service.
7. **A description of the market research conducted (see Part 10) and the results or a statement addressing why market research was not conducted.**
Not Applicable. VAAR 819.7007 (b) & (c), allows the Contracting Officer to directly contract/sole source award with a verified VIP SDVOSB for purposes of meeting the Secretary's goals to establish participation in Department contracts by small business concerns owned and controlled by veterans with service- connected disabilities.
8. **Any other facts supporting the use of other than full and open competition, such as:**
Reference past contract performance history for awards to Native Contractors Inc. for this type of service, reflects the company receiving "Exceptional" performance ratings.

9. **A listing of the sources, if any, that expressed in writing, an interest in the acquisition.** Not applicable.
10. **A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.** At the present time there are no known barriers to competition for subsequent re-advertisement of the services described herein. Therefore, competition will be achieved as stated above.
11. **Contracting officer's certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.**

I hereby certify that this Memo For Record to support other than Full and Open competition is made in good faith, that the supporting data and information is accurate and complete to the best of my knowledge and belief, and that I would not be making this request if it were feasible to fully compete this requirement. I further certify that this request is not the result of lack of advance planning or desire to expend funds while those funds are still available.

KELLYANN BRUNO
Contracting Officer