

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 21, Palo Alto Health Care System.
2. **Nature and/or Description of the Action Being Processed:** We will be establishing a firm fixed price contract for janitorial services for the Monterey CBOC.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This contract will be janitorial services at the Monterey CBOC. The estimated amount is \$547,930.00 and the contract is a short term six month period of performance
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;

FAR13.5 Simplified Procedures for Certain Commercial Items: The authority for applying the Simplified Procedures for Certain Commercial Items of FAR 13.5 is (Section 4202 of the Clinger-Cohen Act of 1996) and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Authorized or Required by Statute (FAR 6.302-5) – This acquisition is being made under the authority of 38 U.S.C. 8127 and 8128, Sections 502 and 503 of Public Law (PL) 109-461 and VAAR 819.7007, which allows the VA to make a sole source award to a SDVOSB if the following conditions are met:

- a. The proposed contractor is determined to be a responsible source with respect to performance of such contract opportunity;
- b. The anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 134 of title 41) but will not exceed \$5,000,000; and
- c. In the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.
- d. The requirement is synopsisized in accordance with FAR part 5.
- e. The contracting officer shall ensure businesses are registered and verified as eligible in the VIP database prior to making an award

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

Sources Sought Synopsis: A sources sought was not posted because a qualified SDVOSB is already known.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The proposed contractor has other current contracts within VISN 21. The proposed contractor has received awards of competitive procurements demonstrating that they provide fair and reasonable pricing. As a result, we have a reasonable expectation that the prices on this short term contract will be fair and reasonable.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Ongoing strategic market research continues to take place for these services within VISN 21 and we have SDVOSBs that have competed on other janitorial contracts within the VISN 21 service area. For this contract, we are exercising our statutory authority to do a sole source contract with a SDVOSB.

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:

Hughes Group, LLC
3701 S Lawrence St
Tacoma, WA 98409
DUNS: 947033999 (VetBiz verified)

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: The VA has a statutory authority to make a sole source award to a SDVOSB.

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.

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

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

Mark Mikus
Contracting Officer
Division Chief, Division 1