

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 hazardous waste removal services.

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 for hazardous waste removal services. The estimated amount is [REDACTED] and the contract is a base plus four option years.

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 Service Disabled Veteran Owned Small Business (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 synopsized 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: These services are available from SDVOSB sources.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The previous solicitation was issued as a SDVOSB and we received competitive pricing. Due to performance concerns from the previous contract, we did not exercise option year #1. We received pricing information from the previous solicitation that will aide in the fair and reasonable determination for this sole source procurement.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Market research information is available from the previous contract. We also searched the VetBiz database and there are SDVOSB listed under the applicable NAICS code.

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:

Neie Medical Waste Services, LLC
3100 New Kent HWY
Quinton, VA 23141
DUNS: 806654286 (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 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.

Richard Castaneda

Anthony Castaneda
Industrial Hygienist, Safety & Emergency Management

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.

Michael Hodahkwen
Digitally signed by Michael
P. Hodahkwen 1024447
Date: 2017.05.22 21:43:43
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Michael P. Hodahkwen
Contracting Officer
Acting Branch Chief, Service Branch 1