

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval (J&A)**

**For**

**Other Than Full and Open Competition (>\$150K)**

**Acquisition Plan Action ID: VA69D-17-AP-9998**

1. **Contracting Activity:** Department of Veterans Affairs, NCO 12, Great Lakes Acquisition Center. Request 556-17-4-7054-0073 was submitted by VISN 12, James A. Lovell Federal Health Care Center, Facilities Management.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for the emergency assessment and replacement of glass panes contained within a glass railing system 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:** The contractor shall provide an assessment and replacement of the existing glass railing system located within Building 133EF located at Captain James A. Lovell Federal Health Care Center (FHCC) in North Chicago, IL.

The Scope of Work includes:

1. Provide a written report on the existing installation of only the tall glass panels.
2. Provide a written report on the existing installation of only the short glass panels (must be separate from 'tall' report)
3. Replace ALL existing tall glass panels on the 2<sup>nd</sup> and 3<sup>rd</sup> floor of Building 133EF with Tempered Laminate safety glass of the same thickness. This is to include mounting of the glass to industry standards (i.e. proper dimensioning, grommets/bushings, setting block, etc.).
4. Dispose of all removed glass panels.

Options:

O1. Replace ALL existing short glass panels with Tempered Laminate. This is to include mounting of the glass to industry standards (i.e. proper grommets/bushings) and disposal of all removed glass.

Additional General Requirements:

1. Work shall be completed within 100 calendar days from Notice to Proceed.
2. Contractor shall field verify all dimensions, layouts, and measurements prior to ordering material.
3. Pre-bid site visit is recommended.

4. **Statutory Authority Permitting Other than Full and Open Competition:** The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by

for restricting competition on this procurement via FAR 13.106-1(b)(2). Additionally, FAR 6.302-2 and 41 U.S.C. 3304(a)(2) authorize purchase of services under other than full and open competition due to unusual and compelling urgency.

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** This acquisition is being procured under other than full and open competition due to an unusual and compelling urgency. The glass panes contained within the glass railing system located in Building 133EF have begun to rupture, causing glass to fall one or two stories onto Veterans, DoD and VA employees, and visitors. Two panes ruptured in March 2017 outside of normal operating hours and it was believed that the ruptures were due to some type of accident or negligence. However, a third pane ruptured in September 2017 during normal operating hours while no one was near the pane. It is currently believed that the panes were installed improperly, and are therefore under stress that exceeds the material's limitations. Because of this, much of the atrium in Building 133EF is closed, severely restricting the services that the facility can provide our Veterans. This emergency assessment and replacement is necessary for the safety of our Veterans, DoD and VA Employees, and visitors.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Due to the urgent and compelling nature of this acquisition, the Government has determined that there is insufficient time to solicit multiple vendors. A local vendor with experience with the required glass panes has been identified by the facility.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The facility has provided an Independent Government Estimate (IGE) with sufficient detail to conduct a price reasonableness determination in accordance with FAR 13.106-3(a)(2)(vi) and (vii). Should the initially proposed price appear to be unreasonable, the Contracting Specialist and Contracting Officer will engage in hasty negotiations to reach a fair and reasonable price.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** See P02 – Market Research Report for a full account of all market research performed. Due to the urgent nature of this acquisition, limited market research was performed. A review of all 18 SDVOSBs and VOSBs identified in the Vendor Information Portal (VIP) indicated that this acquisition may not be suitable for a SDVOSB or VOSB set aside. FHCC has identified a small business that is able to provide the required services.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The immediate assessment and replacement of the existing glass panes is required to reopen the atrium in Building 133EF. Currently, with the atrium closed, Veterans and visitors are required to wait in hallways and meeting rooms for their appointments. Additionally, the stressed glass panes pose a threat to the safety of any personnel walking in or near the atrium.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No sources have expressed in writing an interest in this acquisition.
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 agency may consider establishing an indefinite delivery, indefinite quantity (IDIQ) type contract to

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP  
Attachment 2: Request for Sole Source Justification Format >\$150K

cover emergency repairs. However, such a contract may not be able to consider such specialized future emergencies.

- 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.

\_\_\_\_\_  
Aaron G. Brncich  
General Engineer  
FHCC

\_\_\_\_\_  
Date

**13. Approvals in accordance with the [VHAPM Part 806.3 OFOC SOP](#):**

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

\_\_\_\_\_  
Paul M. Seivert  
Branch Chief  
NCO 12

9/26/2017  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Jeffrey A. Statz  
Branch Chief  
NCO 12

9/26/2017  
\_\_\_\_\_  
Date

- c. **One Level Above the Contracting Officer (Required over \$150K but not exceeding \$700K)**: I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Scott A. Ivy  
Division Manager  
NCO 12

9/26/2017  
\_\_\_\_\_  
Date