

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A) For Other Than Full and Open Competition

Acquisition Plan Action ID: VA248-17-AP-8734

1. Contracting Activity:

Department of Veterans Affairs
Network Contracting Office 8 (NCO 8)
10,000 Bay Pines Blvd.
Bldg. 2, Room 326
Bay Pines, FL 33744

2237 # 546-17-2-6872-0118

2. Nature and/or Description of the Action Being Processed: Network Contracting Organization – 8 (NCO-8) anticipates the sole source award of a firm-fixed price construction contract to Update Spinal Cord Injury Outdoor Rehabilitation Area, at the Miami VAMC, Miami, FL.

3. Description of Supplies/Services Required to Meet the Agency's Needs: Contractor shall provide all parts, materials, services, specialty services, supervision, and testing to Update the Spinal Cord Injury Outdoor Rehabilitation Area located at the Miami VAMC located at 1201 NW 16th St., Miami, FL 33125. Contractor shall follow all state, local and federal guidelines and associated construction documents/specifications. The estimated value of this requirement is \$337,645.00.

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
- (X) (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;

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

IAW VAAR 819.7007, Sole source awards to a verified service-disabled veteran-owned small business:

(a) A contracting officer may award a contract to a verified SDVOSB concern using procedures other than competitive procedures provided—

- (1) The anticipated award price of the contract (including options) will not exceed \$5 million;
- (2) The justification prepared pursuant to FAR 6.302-5(c)(2)(ii) is posted in accordance with FAR subpart 5.301(d);
- (3) The SDVOSB concern has been determined to be a responsible source with respect to performance; and
- (4) In the estimation of the contracting officer, contract award can be made at a fair and reasonable price that offers best value to the Government.

(b) The contracting officer's determination to make a sole source award is a business decision wholly within the discretion of the contracting officer. To ensure that opportunities are available to the broadest number of verified SDVOSBs, this authority is to be used judiciously and only when in the best interest of the Government.

(c) A determination that only one SDVOSB can meet the requirement is not required. However, in accordance with FAR 6.302-5(c)(2)(ii), contracts awarded using this authority shall be supported by a written justification and approval described in FAR 6.303 and 6.304, as applicable.

(d) When conducting a SDVOSB sole source acquisition, the contracting officer shall ensure the business meets eligibility requirements 819.7003.

(e) A procurement requirement estimated to exceed the legislative threshold of \$5 million shall not be split or subdivided to permit the use of this SDVOSB sole source authority.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable, including whether a notice was or will be publicized as required by 5.2 and, if not which exception under 5.202 applies:** While there are other contractors in www.vip.vetbiz.gov, a determination that only one SDVOSB concern available to meet the requirement is not required per the authority cited in paragraph 5. The estimated value of this requirement is greater than \$25,000 and thus will be synopsisized IAW Part 5.301(d).
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The contracting officer anticipates an agreement between Government and Milicon, Inc. will result in 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:** The VIP database was queried in accordance with VAAR 810.001, Market research policy. Milicon, Inc. is listed in the CVE database as a Service Disabled Veteran Owned Small Business.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Under the authority granted by Public Law 109-461, the VA is authorized to set-aside contracts and/or award sole source awards to SDVOSB and VOSB firms.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** N/A
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:** There are no barriers to competition we are using the authority granted by VAAR 819-7007 sole source

