

# DEPARTMENT OF VETERANS AFFAIRS

## Justification and Approval For Other Than Full and Open Competition

1. **Contracting Activity:** The Department of Veterans Affairs, Network Contracting Office (NCO) 19, 6162 South Willow Dr., Suite 300, Greenwood Village, CO 80111, on behalf of the Salt Lake City Veterans Affairs Medical Center (VAMC), proposes to enter into a contract on the basis of other than full and open competition to provide all labor, material, equipment, and supervision necessary to remove the existing failed breakers and replace all failed breakers to include retesting.
2. **Nature and/or Description of the Action Being Processed:** During testing the breakers listed in the SOW were not functioning to manufacturers specifications and failed testing. The failure must be regarded as possible imminent failure, causing disruption to the facility power distribution systems and failure to support patient care. The listed breakers need to be purchased and stored on sight until an outage can be facilitated to replace them. The contractor RHI, conducted the testing and has the resources to purchase, install and test the breakers. RHI will be responsible to perform the above as described and warrantee all work to include any Subcontractors.
3. **Statutory Authority Permitting Other than Full and Open Competition:** 41USC §253 (c ) (1), as implemented by FAR 6.302.1
  - ( ) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
  - ( X ) (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;
4. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

RHI is a SDVOSB with equipment and personnel on site and has demonstrated on previous emergency actions the necessary quick response to an emergent condition when no one else was available. RHI has intrinsic facility knowledge and the expert staff to complete the work as needed. In Accordance with the Veterans First Contracting Program and the Authority under 38 USC 8127-8128 (Sections 502 and 503 of Public Law ((P.L.) 109-461), FAR Part 6.302-5(b)(6), and VAAR 819.7007, the Government intends to negotiate a sole source contract to a SDVOSB.

Urgency exists due to a roofing system fails, the VA would be vulnerable to extreme liability and potential consequences to life, health and safety. The contractor, RHI, is currently under contract to provide Emergency roofing repair on several buildings at the Salt Lake City VAMC therefore; using RHI for this requirement is the most cost effective to the Government due to the cost saving of remobilization. The time savings of the 45 days required to facilitate solicitation is an additional savings. Failure to respond quickly to upgrade the failing roofing system will result in extreme liability and potential consequences to life, health and safety.

Due to the urgency of the need to correct the failing breakers, competition is not in the best interest of the Government because time is of the essence. RHI is currently performing the preventive maintenance for the system in the Salt Lake City VAMC and can mobilize to correct this breaker failure immediately.

5. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This requirement will not be synopsisized in accordance with 5.202(a)(2).

**Independent Government estimates:** The Independent Government Estimate (IGE) has been completed using market research data and will be used to evaluate the contractor's price proposal for fair and reasonable. The IGE is \$186,980.

6. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** All offered pricing will be reviewed by the Contracting Officer (CO) and Contracting Officer's Representative (COR) upon receipt of the Request for Proposal, comparison to the IGE and any necessary negotiated adjustments. In addition to comparison to the IGE, other than certified cost or pricing data may be used to determine the price fair and reasonable.

7. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

FAR Part 10 directs that market research be conducted on each acquisition appropriate to the circumstances. No market research was conducted for this acquisition. As stated in paragraph 6 above, "due to the time sensitive, urgent issue and the limited availability of contractors in the immediate area supplying this type of service, RHI was the only SDVOSB firm determined capable of responding to the emergency service at this time.

8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Not Applicable. RHI is an SDVOSB firm who has been awarded multiple projects from NCO 19 at this location with fair and reasonable pricing. RHI currently has an ongoing project on site so mobilization costs would be minimal.

9. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section 6 above.

10. **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:** Barriers to completion should not be an issue on future procurements. The Government shall seek multiple certified roofing system representatives.

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

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

\_\_\_\_\_  
Andrew Stigen  
Contracting Officer, NCO 19

\_\_\_\_\_  
Date

- b. Director of Contracting /Designee (Required \$150K and above): I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Gary Arwood  
Division Chief II, NCO 19

\_\_\_\_\_  
Date