

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

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

Acquisition Plan Action ID: Clean Up & Remediation Services of Flood in Building 2E, Newington VAMC, VISN 1, VHA.

1. Contracting Activity:

Department of Veterans Affairs, VA Connecticut Newington Medical Center, VISN 1
Network Contracting Office One (NCO 1), SAO East
Purchase Order Number: 36C24118P0293, award date 11-24-2017.
Obligation Number: 689C80033,

2. Nature and/or Description of the Action Being Processed:

LDJ Enterprises, DBA Servpro of Newington (DUNS: 025186796) shall provide the cleanup & remediation services resulting from flood damage at the Newington VA Medical Center. A flood occurred on 11/24/17 due to pipe break in building 2E. Impact from the burst pipe impacted the 5th floor down to the basement level floor, impacting multiple patient care areas and removing entire clinics from operation. Contractor shall provide all equipment, materials and manpower to remove water logged and damaged materials, dry the building infrastructure, clean all floors impacted, and repair areas prior to reoccupation by VA personnel. The award is a new emergency purchase order action under FAR 13.501 and FAR 13.302-2. Contract type is firm-fixed price purchase order with a not to exceed amount established.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for emergent flood remediation services 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:

- Water removal through sump pumps, wet vacuums, mopping, and suction trucks
- Commercial sized de-humidifiers with collection pumps
- Heavy duty garbage containers to collect water from the humidifiers
- Negative air machines & replacement filters
- Air movers to circulate air continuously
- Industrial floor vacuums for large quantities of water extraction
- HEPA wet-dry vacuums
- Personal protective equipment such as masks, gloves, eye protection
- Miscellaneous tools such as scrapers, shovels, ladders
- Containment materials such as heavy poly, tape, zip wall zippers
- Contractor grade garbage bags

- Debris carts
- Dumpsters
- Connex box storage containers for storing relocated furniture from flooded spaces
- Moving trucks and workers to move VA items from the flood areas to the connex boxes.
- Remove sections of walls, ceilings & flooring materials
- Restoration of ceiling integrity to maintain sprinkler protection
- Workers to remove damaged materials to dumpsters
- Clean & disinfect HVAC ductwork
- Remove or mitigate wet HVAC ductwork insulation.
- Treat wall & floor surfaces including the flooded stairwell.
- Furnish & install protective floor coverings.

4. Statutory Authority Permitting Other than Full and Open Competition:

Unusual and Compelling Urgency per FAR 6.302-2

FAR13.5 Simplified Procedures for Certain Commercial Items: 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).

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

- The identified vendor has unique capabilities to obtain large quantities of specialized equipment necessary to dry vast spaces of the Medical Center immediately.
- The identified vendor has access to a very large man-power pool with experience in responding to flood response.
- The identified vendor has resources such as movers, storage boxes & dumpsters that are needed immediately.

Unusual and Compelling Urgency – There is an urgency to immediately respond to rapidly remove building surfaces that were saturated with water after a 5th floor pipe rupture at the Newington CT VAMC, building B2E. Affected areas are the basement and floors 1 through 5. Quick removal will reduce the chance of developing mold within the building. Rapid response will minimize Veteran Care disruption and economic losses due to building damages. The Medical Center could not wait until Monday to decide to act because to delay the response to remove water would allow the mold to grow & spread causing greater impacts. The contractor has the equipment & skills to quickly remove vast amounts of water & damaged materials from the building quickly & efficiently. The flood has caused a severe reduction in the ability to care for Veterans. The Medical Center has no swing space to immediately activate for alternative space to provide patient care. The flood occurred over the Thanksgiving holiday when there was no staff within the building. The ruptured hot water line ran for untold hours until staff came to work the Friday morning after Thanksgiving. The flood all but destroyed the VBA Offices on 3 floors of the building and more than half of the specialty & primary care areas of the medical center. The spaces provide the core of Veteran Services for the north section of VA Connecticut Healthcare System.

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

- The VISN NCO was called as soon as it was determined that a flood response vendor was required to deal with the flooded 49,000-square feet of flooded space.
- The VISN recently has a similar emergency in Manchester New Hampshire.
- Manchester indicated that they had used a contractor who was capable and experience in the response there.
- NCO had contacts in place to quickly get in touch with the vendor and determine that the vendor did still have resources that could be immediately deployed.

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable: Labor rates, equipment rates and consumables costs have been received by the Contracting Officer. They were compared to the historical Manchester NH Servpro rates as well as GSA contracted rates with Servpro franchises in Texas and Florida. All rates and costs provided by Servpro Newington CT have been determined to be fair and reasonable by being lower or equal to the available local and GSA rates.

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

Due to the unusual and compelling urgency of the required flood remediation market research was not conducted prior to deploying the contractor to assess and mitigate flooding damage.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

- No development of plans and specifications were created before the flooding occurred.
- The local staff immediately assessed the situation and developed a list of response tasks to mitigate flood damage to VAMC Newington CT.
- Local staff then started developing the engineering descriptions of work to develop statements of work in response.
- Details of damages are still being identified & quantified.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

- None

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:

NCO is currently looking at GSA's BMO contracts with SDVOSB's that are FAR 16.505 vehicles (multiple award IDIQ's) where remediation is included. There are several BMO contract holders in New England and could be a viable alternative to an open market FAR 13 PO in the future. Objective would be to simply place a TO after offering fair opportunity, versus scrambling on the open market. In addition, the NCO could look to create a "Job Order Contract" with vendors who

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

enter into a fixed-unit priced based contract to provide task responses and equipment rental costs to base orders and work related costs for 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.

JOSEPH D.

SIMONETTA 133640

Digitally signed by JOSEPH D.
SIMONETTA 133640

Date: 2017.12.12 13:03:06 -05'00'

Name: Joseph Simonetta

Date:

Title: Acting, Assistant Chief Facilities Engineer

Facility: Newington VAMC

13. **Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:**

Emergencies: In situations where an unusual and compelling urgency precludes full and open competition or delay in award of a contract would result in serious injury, financial or other, to the VA/Veteran.

- a. **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.

Linda J. Ward 155235

Digitally signed by Linda J. Ward
155235

Date: 2017.12.12 13:14:15 -05'00'

Name: Linda Ward

Date

Title: Contracting Officer

Facility: Manchester NH

- b. **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.

William A Nalls
253622

Digitally signed by William A
Nalls 253622

Date: 2017.12.12 14:50:06 -05'00'

Name: Bill Nalls

Date

NCO1 Division 1

Division Chief



Name: Gerald Jacobs
NCO1 Director

Date

12/13/2017

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
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- c. **VHA SAO HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$68 million) or approve (\$700K to \$68 million) for other than full and open competition.

Joseph Maletta
SAO East Director
VHA Head of Contracting Activity (HCA)

Date