

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

**1. Contracting Activity:**

Justification for other than full and open competition, sole source request  
Department of Veterans Affairs Health Care System  
Network 23 Contracting Office, Station 438, Sioux Falls, SD  
Purchase request number: 438-12-4-7245-0030  
The Contracting Officer is Crystal Dobbins, and the Contract Specialist is Kelly Nussbaum

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

This is an individual justification and approval for other than full and open competition (a sole source contract request) for a construction project using local funding dollars at the Sioux Falls, SD VA to do concrete repairs and tuck pointing.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:**

This is a firm fixed-price construction project that will provide concrete demolition and removal from site, concrete road replacement, concrete sidewalk replacement, and masonry (tuck pointing) repairs. The expected period of performance is 75 calendar days from the date of the notice to proceed. The anticipated dollar value of the project is \$225,000.00.

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

FAR 6.302-5, Authorized or required by statute under the authority of Public Law 109-461 38 U.S.C. 8127 – Veterans First Contracting Program.

**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 majority of the construction required under this project is general construction services to complete the concrete repairs and tuck pointing. JE Hurley Construction is a Service Disabled Veteran Owned Small Business (SDVOSB) and a certified 8(a) contractor who has the capabilities to complete the required work under the NACIS code 236220 listed in the solicitation. Public Law 109-461 38 U.S.C. 8127 – Veterans First Contracting Program authorizes the use of non-competitive procedures for small contracts, and to enter into contracts with small business concerns owned and controlled by veterans.

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

Per FAR Subpart 5.2, a synopsis is required and will be posted to the Government point of entry commonly known as FedBizOps.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

A comparison of the proposed price with the independent government estimate (IGE) will be used to support a fair and reasonableness price determination prior to an award being made. In addition, previously paid prices for similar projects can be used when assessing price reasonableness.

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

There are a number of Center for Veterans Enterprise certified contractors listed on the VetBiz.gov VIP registry under NAICS Code 236220 as of July 10, 2012. Per Public Law 109-146, although multiple vendors are available to complete the services, the Contracting Officer has the authority to sole source to a certified SDVOSB per VAAR 819.7007 and 819.7008. JE Hurley Construction has been determined to be a responsible contractor capable of doing the work indicated in the solicitation.

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

It has been determined to be in the best interest of the Sioux Falls VAHCS to sole source this project using the authorization of Public Law 109-461 38 U.S.C. 8127 – Veterans First Contracting Program. This will help to ensure that the concrete repairs and tuck pointing are completed by a qualified contractor.

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

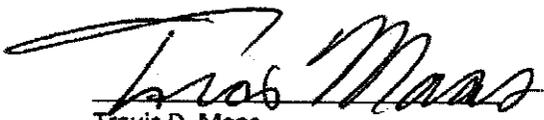
No other contractors expressed interest in this project.

**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 sole source justification for this contract is allowed in accordance with Public Law 109-461 38 U.S.C. 8127 – Veterans First Contracting Program. Barriers to competition could be overcome if the acquisition was competed. However, Public Law 109-461 allows the VA to sole source the contract 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.

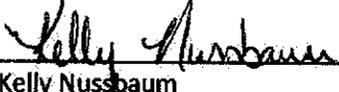


Travis D. Maas  
Chief of Engineering  
Sioux Falls VA Health Care System

July 11, 2012  
Date

13. Approvals in accordance with FAR 6.304:

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

  
\_\_\_\_\_  
Kelly Nussbaum  
Contract Specialist  
Sioux Falls VAHCS, Station 438

7-12-2012  
\_\_\_\_\_  
Date

- b. **Facility Contract Manager:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
\_\_\_\_\_  
Crystal Dobbins  
Facility Contract Manager  
Network Contracting Office 23

7/11/12  
\_\_\_\_\_  
Date

- c. **Network Contract Manager:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
\_\_\_\_\_  
for Daryl Berg  
Network Contract Manager  
Network Contracting Office 23

7/13/2012  
\_\_\_\_\_  
Date