

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)**

Acquisition Plan Action ID: VA247-18-AP-3958

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 7 for the VISN 7 Charlie Norwood VA Medical Center located at 1 Freedom Way, Augusta, GA 30904.

2237: 509-18-3-4105-0003

2. **Nature and/or Description of the Action Being Processed:** NCO 7 intends to enter into a sole source, firm fixed price contract for the Charlie Norwood VA Medical Center, Augusta, GA, in accordance with VAAR 819.7007(b), Public Law 109-461, Veterans Benefit, Health Care and Information Technology Act of 2006. Due the lack of parking at the Downtown VA, the proposed award is to continue providing Valet Parking Services to Veterans and their families.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for Valet Parking 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:** The Contractor shall be required to furnish all necessary and appropriate labor, supervision, materials, equipment, and supplies to provide Valet Parking Services in accordance with the specifications and requirements in the Statement of Work. The Contractor shall provide Valet Parking Services and/or provide assistance in parking a minimum of 300 vehicles daily with the ability to increase this amount as demand increases. The Valet Parking Services shall be intended to accommodate Veteran patients, their family members and visitors utilizing the many services provided at the Downtown VA facility.
4. **Statutory Authority Permitting Other than Full and Open Competition:** The requirement is being procured under the authority of FAR Part 6.302-5 Authorized or required by statute. The Veterans First Contracting Program under Public Law, P.L. 109-461, the Veterans Benefits, Health Care and Information Technology Act of 2006. This law directs the Secretary of Veterans Affairs to "give priority to a small business concern owned and controlled by veterans, if such business concern also meets the requirements of that contracting preference." 38 U.S.C 8128(a), and VAAR 819.7007 and VAAR 819.7008. 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.

The Contracting Officer asserts the following based on VAAR 819.7007 and VAAR 819.7008 : The maximum contract value will not exceed \$5,000,000; the SDVOSB concern has been determined to be a responsible contractor with respect to performance; an award is anticipated at a fair and reasonable price; and the firm is registered and verified as eligible in the VIP database, which will be checked again prior to issuance of RFP and prior to award.

- (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
- (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;

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):

Authorized or Required by Statute FAR 6.302-5; The determination only one (1) SDVOSB concern is available to meet the needs of the VA is not required in accordance with VAAR 819.7007(b). Public Law 109-461, Veterans Benefit, Health Care and Information Technology Act of 2006 requires the Contracting Officer to set-aside open-market requirements for SDVOSBs if there is a reasonable expectation of receiving at least two proposals from an SDVOSB at a fair and reasonable price.

The current contractor, Congaree Group of Columbia, LLC provides employees that are trained and experienced with operating various models of adaptive driving equipment/systems that maybe installed in the disabled veteran's vehicles, thus eliminating the need and time required to train a different company. The transition of services with a new contractor could take around 15 – 30 days, which would disrupt or the loss of valet services due to training new personnel on operating various models of adaptive driving equipment/systems, removing and installing company equipment and signage to meet to requirements of the contract. It could take longer if a different company wanted to change the parking lot layout to comply with their company procedures.

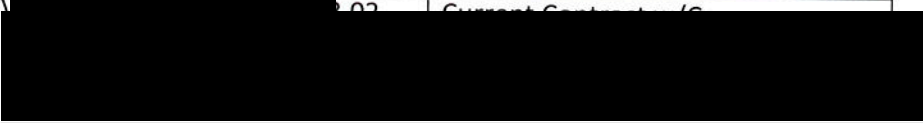
Congaree Group of Columbia, LLC., has expressed interest to continue to provide valet services and understand the capabilities in relation to the expected tasks. The VIP search has determined that Congaree Group of Columbia, LLC is a qualified SDVOSB firm having the capability to perform the services as outline in the statement of work provided by police department. The decision to award service contract to the incumbent Congaree Group of Columbia, LLC is in the best interest of the Government and Charlie Norwood VA Downtown Division.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research of VIP indicates there are numerous SDVOSB firms that can provide Valet Services, however, in accordance with the Veterans First Contracting Program under Public Law, P.L. 109-461, the Veterans Benefits, Health Care and Information Technology Act of 2006. This law directs the Secretary of Veterans Affairs to “give priority to a small business concern owned and controlled by veterans, if such business concern also meets the requirements of that contracting preference.” 38 U.S.C 8128(a), and VAAR 819.7007 and VAAR 819.7008. A determination that only one SDVOSB can meet the requirement is not required. The award will be for base of six months, and one 12-month option period to Congaree Group of Columbia, which is a certified SDVOSB firm, and prices quoted are determined to be fair and reasonable. This will assist NCO 7 to expeditiously award the requirement to continue valet parking services in addition to meeting SDVOSB and VOSB goals. Future requirements for Valet Services will be reviewed and analyzed to ensure maximum competition. Competitive requirements will be used to provide forthcoming requirements VISN 7.

Name of Offeror	Name and Address of Building
Congaree Group of Columbia, LLC (incumbent)	1422 Laurel St., Columbia, SC, 29201

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost of Valet Services is estimated to cost \$608,900.45 for a base of six months and one 12-month option period. Period of performance will be for services to continue starting 1 April 2018 – 30 September 2019. The Independent Government Cost Estimate (IGCE) was developed by the physical security department. Based on the authorities cited in this justification, a sole source award under the Veterans Benefits Act of 2006 is dependent on negotiating a fair and reasonable price. The anticipated cost based on the current pricing and increase of 2.6% base the Cost Price Index Summary for February 2018, Services less energy services, which compares favorably to the IGCE.



	02	Current Contract (C
		

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Search of the VIP Database queried in accordance with VAAR 810.001. Results from VIP—indicated there are two or more verified SDVOSB/VOSBs that can meet the procurement requirements. IAW Veterans First Policy, the VIP search resulted in 12 SDVOSBs using NAICS 812930 and keyword “valet parking”. Congaree Group of Columbia, LLC was listed in the VIP database.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The Veterans First Contracting Policy authorizes by statue award to SDVOSB or VOSB to the maximum award of \$5,000,000. The SDVOSB concern has been determined to be a responsible contractor with respect of past and current performance; an award is anticipated at a fair and reasonable price; and the firm is registered and verified as eligible in the VIP database, which will be checked again prior to issuance of RFP and prior to award is in the best interest of the Government.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Due to the urgency and anticipated delay of the Valet services to the Charlie Norwood Downtown VA, no other sources were contacted or expressed an interest in writing.
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:** Charlie Norwood VA Medical center will continue to conduct market research to identify alternate sources that could be considered for competition of future acquisitions.
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.

