

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA261-18-AP-3933

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office – 21 (NCO-21), VA Palo Alto Health Care System (PAHCS), Purchase Request Number 640-18-2-5281-0036

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

NCO 21 anticipates the award of a firm fixed price contract for water remediation services of the Spinal Cord Injury/Blind Rehabilitation Center, building 500 at VA PAHCS located at 3801 Miranda Avenue, Palo Alto, CA 94304-2107. The proposed action will be accomplished pursuant to FAR 6.302-2 due to the unusual and compelling urgency to prevent further damage to real property and avoid environmental hazards from developing in the space.

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

The Contractor was asked to provide water remediation services in response to a water leak at Building 500. A large leak occurred in Bldg. 500 on Sunday, January 14, 2018. The leak originated from a failed gasket on a domestic hot water system that penetrated through several layers of sheetrock and into an adjacent office and ran for several hours until discovered. The leak covered approximately 34,000 square feet of offices and rehabilitation space with approximately two inches of hot water causing major damage to the floors, walls, and ceiling tiles. A NCO 21 branch chief gave verbal authorization for the immediate start of remediation services on January 14, 2018 to prevent further water damage to personal and real property. The contractor performed water remediation services by draining the water in all affected areas, removing damaged walls, wall coverings, carpet, flooring, damaged ceiling tiles, cove base, and anything else that would be affected from the flood water, and enabled the building to dry out effectively to prevent mold growth. All debris was cleaned up and removed from the spaces and disposed. The primary cleaning efforts were completed on January 26, 2018 but there are other related tasks to the remediation effort that are estimated to take another month. The estimated amount of the remediation is \$1,000,000.00. Project duration is expected to complete on February 16, 2018.

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
- (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 Proposed Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above:**

The remediation services were required on an urgent and compelling basis due to a water leak that essentially caused flooding on the first floor of Building 500 at VAPAHCS. Upon finding the leak on Sunday, January 14, 2018, the Government needed to take immediate action to remove the standing water to prevent further damage to personal and real property. When the agency's need is of an unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals, full and open competition need not be provided for. This acquisition requires the authority cited due to the life safety and real property damage matter. The Polytrauma and Blind Rehabilitation Center would sustain additional damage and incur environmental liabilities if the water wasn't cleaned up immediately.

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

FAR 5.202(a)(2) states that an action need not be synopsised if an unusual and compelling urgency precludes competition to the maximum extent practicable and the Government would be seriously injured if the agency complies with the time period specified. Due to the work in question being a life safety issue and an imminent threat to the asset, it was not feasible to solicit quotes from multiple sources.

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The contracting officer representative prepared an independent Government Cost Estimate (IGCE) to assist in the establishment of fair and reasonable price. The Government will also obtain certified cost and pricing data in accordance with FAR 15.402(a)(1) to establish 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:**

Under the emergency scenario presented in this procurement, the Government did not have time to perform tactical market research for this procurement. Based on strategic market research efforts that are ongoing, the engineering team at Palo Alto had a list of vendors that were available to meet these emergency needs. NCO 21 will recommend that a Sources Sought notice be posted to increase the strategic market research efforts to see if there are SDVOSB/VOSBs that could be added to the vendor list.

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

None other than those indicated above.

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

One source has been identified and is listed below:

Sharjo, Inc. (dba ServiceMaster Restoration Services)
2121 Diamond Blvd
Concord, CA 94520
DUNS: 788400955

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:

Water needed to be removed from the building immediately to avoid any mold growth or further financial damage to the asset. The need to acquire the stated services in the manner proposed is due to the unusual and compelling urgency of the life safety and asset salvage situation it presents. The services had to be obtained as soon as possible to prevent further harm to the occupants for the building. The VA's highest priority socio-economic category is Veteran owned businesses and there is always the possibility of an unforeseen emergency like this happening in the future. NCO 21 will perform market research to determine if there are VetBiz verified companies that can perform emergency remediation services in the future.

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.

Matthew S. Pechman
Digitally signed by Matthew S. Pechman 328401
Date: 2018.02.14 07:48:46

Matthew S. Pechman
Project Manager/OFPD
VA Palo Alto Health Care System

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

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

Brett S. Vegeto
Digitally signed by Brett S. Vegeto
DN: cn=Brett S. Vegeto, o=VA, ou=VA, email=bvegeto@va.gov

Brett Vegeto
Contracting Officer
Branch Chief Construction
Network Contracting Office 21

Director of Contracting: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

[Handwritten signature]

Director of Contracting
Network Contracting Office 21

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 approve for other than full and open competition.

198553
A Adams 146
Date 2018
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Executive Director, Service Area Office West
Head of Contracting Activity (HCA)

[Redacted signature]

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