

## DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA262-17-AP-8656

- 1. Contracting Activity:** Department of Veterans Affairs, VISN Network Contracting Office 22 (NCO), 4811 Airport Plaza Drive Long Beach, California 90815 has a requirement for wide-range industrial hygiene services as directed by the VA Greater Los Angeles Healthcare System (VAGLAHS), will enter into a contract that requires "Justification for Other Than Full and Open Competition" via Purchase Request number 691-18-3-5042-0344.
- 2. Nature and/or Description of the Action Being Processed:** The request is being procured exclusive of competition, from a specific vendor. VAGLAHS is requesting for a firm fixed price contract that requires justification for other than full and open competition. Aurora Industrial Hygiene Services is a Service Disabled Veteran Owned Small Business (SDVOB) that is currently providing a wide-range of industrial hygiene services. Due to the immediate need, VAGLAHS is requesting that we continue our service with Aurora Industrial Hygiene Service and their subcontractor Meca Consulting as they have experience working with the VAGLAHS. Meca Consulting has been working with the VAGLAHS for over sixteen years in providing a wide-range of industrial hygiene services. The contract is needed to ensure patient, staff and visitors safety and to eliminate work related injuries.
- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** The VAGLAHS has a requirement for a wide-range of industrial services. In order to ensure safety of our patients, staff and visitors safety at the VAGLAHS, a contract is needed for a comprehensive Occupational Safety and Health Administration (OSHA) program that are designed to: a.) reduce or eliminate work-related injuries and illnesses; b.) minimize the severity of those injuries and illnesses that occur ; c.) ensure compliance with applicable OSHA regulations and standards; d.) Implement safe work practices; and e.) provide a safe and healthy work environment for employees, staff and visitors, in accordance with the VA mission and Goals Statement . The services to be provided include, but are not limited to: Industrial Hygienist, Ergonomic Assessment Specialist, Asbestos Certified Site Surveillance Technician and Occupation Safety Health (CEOSH) 3E Database Manager. Awarding the contract is critical for VAGLAHS to achieve compliance with the complex regulatory environment, including OSHA, EPA DTSC, Board of Equalization, NFPA, and VHA directives, and other federal, state and local applicable regulations. Contractor shall assist VAGLAHS through its experience and educational background that are capable of providing quality work in occupational safety and health regulation compliance. Contractor shall provide the training that currently is not available in-house due to the lack of resources and staff. The Network Contracting Office is in the process of establishing a contract for these services, which is scheduled to be in effect by June 5, 2018. These services are being procured sole source to ensure that continued uninterrupted services are provided until the issuance of a contract. The estimated amount of this procurement is \$198,004.00
- 4. Statutory Authority Permitting Other than Full and Open Competition:** The service is being procured under the authority of 41 U.S.C. 253(c)(1), FAR Part 6.302-1(2).

( ) (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
- ( X ) (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 Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The result of not having the wide-range industrial service contract in place would greatly affect the operation of VAGLAHS. The contract covers the three main campuses and all the Community Based Outpatient Clinics (CBOCs). The impact of not having an interim contract in place is as follows:

Lack of on-site health response and compliance support that is provided by this contract would inevitably cause non-compliance with a multiple safety Industrial/Environmental programs that are covered by this contract. Such as water and wastewater programs where failure to the sample/monitor can result in per incident per day of economic impact of Environmental Protection Agency (EPA) fines that are levied or where water quality is compromised.

Contractor provides emergency response to the chemical/biological spills and poor indoor air quality response from OSHA/EPA complaints. Also, the contractor shall be required to provide air sampling, staff, training and clinical laboratory inspections.

Contractor shall provide routine area sampling for chemical hazards mandated by the Department of Veterans Affairs and OSHA of clinical areas, research areas, operating rooms and special procedure areas to ensure it` is maintained and that employees are protected.

Contractor shall provide oversight of asbestos/ lead mold remediation for on-going projects. Also, provide asbestos exposure investigation. The contractor shall respond to water and sewage floods resulting from pipe breaks impacting patient care, provide on-sight oversight and sampling of affected areas to include clearance sampling of the affected areas.

Workplace ergonomic assessment is provided to over 600 employees a year to include resolution of reasonable accommodation action within thirty (30) days, which is a mandated time frame. Conduct risk assessment and routine safety and health inspections throughout VAGLAHS identifying and mitigating potential health hazards.

Contractor shall coordinate and conduct respiratory fit testing for over 1500 employees a year per OSHA requirement on a routine basis. This requires assessments of the services that shall require training.

Contractor shall perform risk and needs assessment on all emergency eye wash and showers as required. Updates risk assessments and inventory annually with Engineering preventive maintenance checks. Many of these assessments are in clinical and laboratory areas throughout VAGLAHS.

Contractor shall evaluate and conduct hazard assessment of all confined areas as required by OSHA and the Department of Veterans Affairs regulation. Ensure all spaces are inventoried and labeled, monitors the spaces during entry and completes required permits as required.

Contractor shall conduct chemical hazard assessments of all workplaces, evaluates the need for exposure monitoring, engineering controls and personal protective equipment.

Without any of these critical services it would impact a large portion of VAGLAHS clinical, administrative and research operations at all the three campuses and the CBOCs.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The original action was competed as SDVOSB set-aside. Five contractors provided a quote for this requirement. Aurora Industrial Hygiene Services is an SDVOSB contractor and was selected because their quote was the overall best value to the Government. No viable alternative exist. There is insufficient time to conduct a competitive acquisition for this requirement.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost is determined to be fair and reasonable to the Government based on the Independent Government Cost Estimates (IGCE).
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research indicates that due to the urgent requirement, the most efficient practical source to employ would be to continue the services with Aurora Industrial Hygiene Services. Additionally, the market research reveals other potential sources available to carry out the services being requested. However, soliciting from other sources creates a lengthy delay for award that is not practical due to the safety of patients, visitors and staff.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Although other potential sources are available, Aurora Industries would be the most practicable to the government due to ability to provide continued service.
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:** As stated in line 3 above, this procurement is to provide uninterrupted service for a specified period until issuance of contract.
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.

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Name: Benjamin Spivey  
Title: Chief, Occupational Safety & Health, VH  
Safety: VA Greater Los Angeles Healthcare System

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April 4, 2018

Date:

13. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP](#).

- 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.

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Name: Brian VanOrman  
Title: Contracting Officer  
Facility: VISN 22 Network Contracting Office

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Date: April 04, 2018

- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K)**: I certify the justification meets requirements for other than full and open competition.

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Name: Stephen Kwak  
NCO 22: Branch Chief, Services Team 1  
Facility: VISN 22 Network Contracting Office

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Date: