

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval Under Simplified Acquisition Procedures (SAP) Simplified Acquisition Threshold (\$3K to \$150K) For Restricting Competition under FAR 13.106-1(b)(1) "Single Source"

1. **Contracting Activity:**

Department of Veterans Affairs, Network Contracting Office (NCO) 20, for the American Lake Division of the VA Puget Sound Health Care System (VAPSHCS).

2. **Nature of the Action Being Processed:**

This action is a Justification and Approval for restricting competition under FAR 13.106-1(b)(1). This procurement will be awarded as a new purchase order on a firm-fixed price basis.

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

This procurement, under PR 663-13-1-567-0005 is for Solid Waste Collection at the American Lake Division. The Contractor shall supply refuse containers, provide refuse collection, and removal and disposal of refuse in accordance with the Veteran Affairs collection schedule. The period of performance is 1 October 2012 through 30 September 2013. The total estimated contract value is \$147,999.96.

4. **Statutory Authority Permitting Restriction in Competition:**

The statutory authority for restricting competition under SAP, or Single Sourcing, for acquisitions under \$150,000 or Simplified Acquisition Threshold (SAT) is **41 U.S.C. 253(c), as implemented by FAR 13.106-1(b)(1)**. The specific reason for restricting competition is only one responsible source will satisfy the agency requirements. This justification is where in accordance with FAR 6.001(a), acquisitions conducted under FAR 13 for SAP are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2, IAW the VHA SOP for Other Than Full And Open Competition dated 3-22-2011.

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

Harold Lemay Enterprise, Inc. (DBA Lakewood Refuse Service) is the current provider of Solid Waste (Trash) Collection services for the City of Lakewood, Washington. These services are regulated by the State of Washington and this is the only vendor in the required geographical area to possess the mandatory "G" series permit. The G-permit is issued by the Washington Utilities and Transportation Commission, and provides authority to collect, transport and dispose of solid waste by geographic region. Lakewood Refuse is the only vendor to provide the required service in the Pierce County area.

Based on the legal decision provided by Regional Counsel, David Fagan, every federal agency engaging in any activity that may result in the disposal of solid waste, must comply with all federal, state, and local requirements. For the American Lake facility, this means that the facility is not exempt from the general requirement that federal installation comply

with local arrangements for solid waste collection and disposal. Therefore for this facility, these services can only be acquired from Lakewood Refuse.

6. **Description of Efforts Made to Ensure that Offers are Solicited from As Many Potential Sources as Deemed Practicable IAW FAR 13.104:**

Based on the circumstances outlined in Paragraph 5, no other sources were solicited.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable – IAW FAR 13.106-3:**

The anticipated contract value for this purchase order is \$147,999.96. The monthly price is regulated and negotiated by the City of Lakewood.

8. **Description of the Market Research Conducted and the Results, or Statement of Reasons Market Research was not Conducted (FAR 10):**

Based on paragraph 5, no other Market Research was conducted.

9. **Any Other Facts Supporting the Restriction of Competition:**

Based on paragraph 5 above, no other sources are available.

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

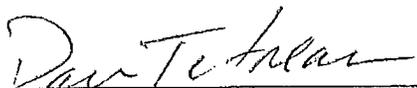
No sources expressed in writing an interest in this acquisition. See paragraph 5 above.

11. **Statement of 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:**

This service is regulated by the State of Washington and therefore is not available for competition.

12. Requirements Certification - IAW FAR 6.303-2(c):

I certify that the requirement outlined in this justification is a bonafide 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.



Name: Daniel Tetreau
Position: Program Specialist

July 24, 2012
Date

13. Approvals IAW VHA SOP 3.22.11:

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

Ross Byrne
Name: Ross Byrne
Contracting Officer
NCO 20 Services Acquisitions Team

7-24-2012
Date

- b. **NCM/PCM/DESIGNEE:** 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 for other than full and open competition.

David Stokes
NCO 20 Services Team Manager
David Stokes

7/24/12
Date