

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition**

Acquisition Plan Action ID: VA250-18-AP-8873

1. **Contracting Activity:** Department of Veterans Affairs, VISN 10, Northern Indiana Healthcare System (VANICHHS), Marion, IN. PR = 610-18-3-6095-0180
2. **Nature and/or Description of the Action Being Processed:** The proposed action is for an EMERGENCY sole source contract for "Repair Floor Drains, Building 174, EMERGENCY" at the VA Medical Center in Marion, IN. The contract will be for a new firm, fixed NTE price contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The VA Medical Center in Marion, IN, has an urgent, emergency need to repair broken sections of the sanitary sewer system located in the ACC Control room in building 174. We are currently experiencing flooding in the basement of this building and with research we have found that the sewer pipes are full of aggregate due to wash out.

Contractor will provide all labor, equipment, materials and supervision necessary to locate utilities, excavate and remove existing sanitary drains, install new cast-iron drains, finish concrete and paint walls and floor to finish at various locations in Building 174 at the VA- Northern Indiana Health Care – Marion Campus. The Contractor will also be responsible for installing a curb/dam, trench drain and catch basin for the chiller tower located in Building 174.

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;
- (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
- () (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 time involved in bidding and awarding the project to another vendor would delay the completion of the work needed now and have an adverse effect on the equipment located in this control room. This is an urgent requirement that has a strong potential of utility failure. Delay will have an adverse impact on the Marion facility mechanical equipment that controls the HVAC and water throughout the Medical

Center. This work is critical to be completed now to ensure the sewer system is fully operational. JAB Contracting, LLC. is prepared to provide immediate service.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Based on past experience and work at this VA JAB Contractors is the only potential source that the government was able to identify and could start work immediately.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** Per the proposal received from JAB Contractors, the price of \$300,276.00 is considered fair and reasonable compared to the IGE price of \$257,542.19 and utilizing RS Means, experience and past project pricing.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** This is an emergent need that may affect the mechanical equipment in the control room. Market research was not conducted due to the nature of the emergent need to act quickly to repair the system before more damage is created by flooding. However, market research has been conducted on similar projects in the past. This work is common practice and the contractor "JAB Contractors, LLC." has successfully made these kinds of repairs for VANICHS in the past.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The contractor selected is a local contractor that can be on-site immediately and provide the materials needed to complete the job with little to no delays. Open competition would delay the process and the government may encounter lead times on materials needed to complete the job.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** JAB Contractors, LLC., 1605 N 300 W, Marion, IN
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:** If this type of need arises again, and it's not urgent, a solicitation will be posted to allow competition.
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.

James Cullum
Chief, Facilities Management
VA Northern Indiana HCS

5/14/2018

Date

13. **Approvals in accordance with the [VHAPM Part 806.3 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.

Julie A. Stout
Contracting Officer
Network Contracting Office (NCO) 10

5/15/2008

Date

- b. **One Level Above the Contracting Officer (Required over SAT but not exceeding \$700K):** 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.

Scottie L. Paramoure
Division Chief
Network Contracting Office (NCO) 10

05/18/2018

Date