

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA245-18-AP-4748

1. **Contracting Activity:** Department of Veterans Affairs, VISN 5, Clarksburg VAMC. 2237 #: 540-18-3-5082-0018. The contractor is to remove the existing roofing system over the Operating Room (OR) and Intensive Care Unit (ICU), approximately 18,230 sq. ft., down to the deck and install a new SBS modified roofing system with metal flashing over the coping stone along the parapet walls. Lighting protection will be installed as part of this work.
2. **Nature and/or Description of the Action Being Processed:** This action will be awarded as a new construction contract at a firm fixed price including labor, materials, tools, equipment and supervision under Project #: 540-18-025S.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The existing roofs over the OR and ICU must be fully removed and new roofing material installed to include SBS Modified roofing membrane, polyurethane elastomeric roofing membrane, insulation and lightning protection. The estimate to complete this work is \$755,000.00 and the completion time is 120 calendar days.
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 Contracting Officer intends to seek bids from Service Disabled Veteran Owned Small Business (SDVOSB) contractors through the Federal Business Opportunity (FBO) website. The Contracting Officer requests to limit the bid time to two weeks in order to remedy this emergent situation quickly. Mobilization and start of performance would be presumably quicker to address the roofing issues at hand with this avenue of procurement and mitigate direct patient risk. The existing roof over the OR suites and the roof over the ICU have deteriorated to the point of failure which is causing room closures, relocation of patients and concerns for mold growth. Patches have been placed on both roofs in multiple locations over the past year but are not correcting the overall water infiltration being experienced.

There has been an incident report created that water came into the OR during an active operation and there is real concern that water could infiltrate through the roof and onto a patient, which could lead to infection.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research was conducted by the Contracting Officer for this procurement under GSA and VetBiz. The Contracting Officer determined that this procurement should maximize competition by soliciting this on FBO and shortening the bid time to two weeks. Time is of the essence for conducting this work due to direct patient care issues. The Medical Center has stated that this requirement necessitates an urgent sole source procurement response based on the relocation of patients, delays/rescheduling of surgeries and infection control issues.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The using service has provided an Independent Government Cost Estimate and a quote has been received for this work. The proposal (dated May 11, 2018) was forwarded to Contracting on May 16, 2018. Competing this work between three SDVOSB contractors will ensure fair and reasonable pricing is achieved.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The Contracting Officer conducted market research under GSA that showed no SDVOSB or Veteran Owned Small Business. There were five (5) Woman Owned Small Business's but they were not local to the Medical Center and there was not an expectation that two or more bids would be received to provide adequate competition.

The Contracting Officer also conducted market research through VetBiz that shows 1640 SDVOSB contractors. The Clarksburg VAMC is located in a more rural area than other Medical Centers and thereby experiences less bidder response than other locations, however, more than two bids would be anticipated for this work.

The Contracting Officer will solicit this as a sealed bid procurement on FBO for two weeks to expedite this requirement.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** There are direct implications to patient care based on the significant leaks in the current OR and ICU roofs. These impacts are directly affecting patient care due to room closures, surgery rescheduling or delays and potential infection control issues.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No other sources expressed interest in this requirement.
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:** In the future, the funding requests for projects such as this will be more urgently stressed by the management and leadership team at the Medical Center. Hopefully, these actions can mitigate future emergency situations such as this one. The repairs and patches made to these roofs have been ongoing for over a year based on documentation received by the Contracting Officer. The

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Sole Source Justification Format >SAT

situation has now presented as urgent based on the direct impact to patient care and potential of shutting down spaces in the hospital or infection control hazards.

- 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.

5/31/2018

Arlie C. Forman
General Engineer
Clarksburg VAMC

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.

Kathryn C. Leatherman
Contracting Officer
SAO East/Martinsburg VAMC

Date

- b. **One Level Above the Contracting Officer (Required over SAT but not exceeding \$700K)**: I certify the justification meets requirements for other than full and open competition.

Angela Burger
Supervisory Contract Specialist
SAO East/Martinsburg VAMC

Date

- c. **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 recommend approval (if over \$68 million) or approve (\$700K to \$68 million) for other than full and open competition.

Joseph Maletta
VHA Head of Contracting Activity (HCA)

Date