

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID:** VA261-18-AP-4654

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, Sierra Nevada Health Care System.
2. **Nature and/or Description of the Action Being Processed:** We will be establishing a firm fixed price contract for legal services on guardianship cases in support of the Reno Medical Center under the Sierra Nevada Health Care System.

**FAR13.5 Simplified Procedures for Certain Commercial Items:** This procurement is in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** We will be establishing a firm fixed price contract for legal services on guardianship cases in support of the Reno Medical Center under the Sierra Nevada Health Care System. The estimated amount is [REDACTED] for a period of performance consisting of a base year plus four option years.
4. **Statutory Authority Permitting Other than Full and Open Competition:**

**FAR13.5 Simplified Procedures for Certain Commercial Items:** The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

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

This acquisition is being made under the authority of 38 U.S.C. 8127(c) and VAAR 819.7007, which allows the VA to make a sole source award to a SDVOSB if the following conditions are met:

- a. The proposed contractor is determined to be a responsible source with respect to performance of such contract opportunity;

- b. The anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 134 of title 41) but will not exceed \$5,000,000; and
- c. In the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.
- d. The requirement is synopsized in accordance with FAR part 5.
- e. The contracting officer shall ensure businesses are registered and verified as eligible in the VIP database prior to making an award

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

A Sources Sought notice was posted on FBO seeking interested vendors. A search of the VetBiz database was also performed under NAICS code 541110. An email was sent to each Veteran company located in the VetBiz search letting them know about the Sources Sought notice and encouraging them to respond.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Market research was performed to determine the market rates for legal services in the Reno area. Local firms were contacted and GSA contracts were researched to find a price range for legal services. This information will assist in determining that the price is fair and reasonable.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** We posted a Sources Sought notice, reached out to local law firms in the Reno area, researched GSA contracts for legal services, and searched the VetBiz database to locate potential vendors.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** None

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

The Gilchrist Law Firm  
2525 Ponce de Leon Blvd, Ste 300  
Coral Gables, FL 33134  
DUNS: 151068009

**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:** The VA has been granted statutory authority to make a sole source award to a Veteran owned small business. This is not a barrier to competition, but rather an express authority given to the VA to further the mission of the VA. Market research was conducted to seek Veteran companies and Gilchrist Law was the only vendor that expressed interest.

- 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.

Theresa E.  
Williams 265955

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E. Williams 265955  
Date: 2018.06.15 13:47:51  
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Theresa E. Williams  
Chief Social Worker

**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.

Michael P.  
Hodahkwen  
1024447

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P. Hodahkwen 1024447  
Date: 2018.06.15 13:57:14  
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Michael P. Hodahkwen  
Contracting Officer

**One Level Above the Contracting Officer:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

MARK J.  
MIKUS 140783

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MARK J. MIKUS 140783  
Date: 2018.06.15  
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Mark J. Mikus  
Branch Chief  
Network Contracting Office 21