

SDVOSB/VOSB Sole Source Justification Format >SAT

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID: 36C263-18-AP-1405**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 23, Fargo Medical Center has an emergency need to repair its Sewer Ejector System project number 437-18-205, which funds are obligated under 2237 transaction number 437-18-4-6602-0060.
2. **Nature and/or Description of the Action Being Processed:** This action is for an emergency need. This action will Sole Source necessary emergency repairs to MDM construction. MDM is one of nine contractors in the VISN 23 Fargo/MN MATOC contract number VA263-14-D-0237. The CO has provided his verbal authorization for the work to begin with a not to exceed price of \$390,000 based on pricing estimates provided by the COR and MDM.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Construction work shall include, but shall not be limited to providing all labor, materials, equipment, necessary to complete Fargo VA Health Care System project 437-18-205, Repair Sewage Ejector System, in accordance with the Scope of Work, contract documents, VA Master Specification, detail requirements, NFPA, NEC, local building codes, industry standards and other applicable requirements.

Labor efforts include; demolition, new construction work to repair/replace the existing sewage ejector system components, opening up the road, removing manhole lids (sewage ejector pit and check valve pit) for access, removing concrete bases poured around the valves (encasing the bolts holding the valve to the pipe ends), replacing bad pump, and rail issue. Replace piping as required, Replace shutoff/isolation valves and other items as determined once the sewage is pumped out and necessary repairs can be determined.

Replace concrete bases and repair manhole as required. Provide all required electrical work to disconnect and connect the pump. Provide Lock Out Tag Out of all systems. Provide all safety related and required items for continuous confined space entry work. Provide a pumper truck and tankers in place to haul away sewage while work takes place. The project includes removing asphalt/concrete, removal of the manhole lids for access with equipment, replacement of asphalt concrete, base material, compaction, repairs to the manhole to put the lid back on and bases for the new check valves, etc.

Provide all safety fencing, traffic barricades and traffic signs, such as road closed, and other traffic related directional information.

SDVOSB/VOSB Sole Source Justification Format >SAT

This work is a one time emergent need that cannot wait for the standard contracting PALT processing time. If not immediately repaired the integrity of sewage system at the campus will be seriously compromised. The Contracting Officer, Micheal Casper, has verbally authorized work to begin and shall not exceed \$390,000 based on the SOW and estimate(s) from MDM and the COR. MDM and its subcontractors began work on the evening of July 9, 2018 with an anticipated Period of Performance of twelve (12) days.

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(5), 38 U.S. Code § 8127, as implemented by FAR 6.302-5 (Authorized or Required by Statute). COs may use the non-competitive (sole source) procedures authorized in VAAR 819.7007 or 819.7008 up to \$5,000,000. Check the specific VAAR clause used below:  
( X ) 819.7007 Sole source awards to a verified service-disabled veteran-owned small business;  
or  
( ) 819.7008 Sole source awards to a verified veteran-owned small business

5. **Demonstration that the Contractor's Unique Qualifications and/or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** As provided in 38 U.S.C 8127; sole source awards to SDVOSB/VOSB and In Accordance With FAR6.302-2(b)(1) Unusual and compelling urgency; MDM Construction, a verified SDVOB was selected to perform this requirement. MDM Construction, was able to immediately begin work on this emergency repair and is capable of performing the work. MDM was working on the Fargo VAMC campus at the time the sewage ejector system failed. The company is uniquely qualified as they have extensive knowledge of the infrastructure at the facility developed while working on previously competed projects.

Further, mobilization costs as well as exploratory labor efforts are marginalized by contracting with MDM Construction because of the company's prior work on the Fargo campus and that equipment needed to repair this project was already in place on campus at the time when the sewage ejector system failed.

This one time repair is of an emergent nature that cannot wait for the standard contracting PALT period for award since the repairs require the removal of sewage, a known biological hazard, from the medical center. Any delay in repairing the sewer Ejector System will present an immediate danger to the public and impact the daily operations of the medical center.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The COR did contact other local contractors to repair the Sewer Ejector System, such as Master Construction, when the problem was first identified. However, given the urgent and compelling nature of this requirement the work was directed to MDM as provided in 38 U.S.C 8127; sole source awards to SDVOSB/VOSB.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The Certifying Officer will definitize cost when submitted by the contractor to the government based on historical prices on existing contracts or previously awarded contracts for similar work and applicable divisions included in the IGCE.

VHAPM Part 819.7007/7008 Sole Source Awards to a Verified Service-Disabled Veteran-owned Small Business/Veteran-owned Small Business

SDVOSB/VOSB Sole Source Justification Format >SAT

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The Contracting Officers reviewed the Vendor Information Pages (VIP) database at <https://www.vip.vetbiz.gov>: A VIP search under NAICS Code 236220—Commercial and Institutional Building Construction was conducted and resulted In 28 certified matches. In addition, a VIP search was conducted on all FARGO/MN MATOC contract holders. All 9 MATOC Construction contract holders are SDVOSB certified in VETBIZ under NAICS Code 236220.
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:** 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:** None.
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.

\_\_\_\_\_  
Shawn Bergan  
Engineering Chief  
Fargo 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.

\_\_\_\_\_  
Michael Casper  
NCO 23 Construction Branch Chief and CO  
Des Moines Division

\_\_\_\_\_  
Date

VHAPM Part 819.7007/7008 Sole Source Awards to a Verified Service-Disabled Veteran-owned Small  
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SDVOSB/VOSB Sole Source Justification Format >SAT

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

\_\_\_\_\_  
Scott Petrin  
NCO 23 Division Chief  
Omaha Division

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Date