

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval For Other Than Full and Open Competition

1. **Contracting Activity:** The Department of Veterans Affairs, Network Contracting Office (NCO) 19, 6162 South Willow Dr., Suite 300, Greenwood Village, CO 80111, on behalf of the Salt Lake City Veterans Affairs Medical Center (VAMC), proposes to enter into a contract on the basis of other than full and open competition to provide all labor, material, equipment, and supervision necessary to remove the existing failed deaerator tank, install and maintain a temporary tank, and install the new deaerator tank.
2. **Nature and/or Description of the Action Being Processed:** During annual testing of boiler plant components, the deaerator failed inspection due to pitting and welding damage, requiring emergent replacement. Due to failure of deaerator, a temporary unit will be required until the permanent equipment can be manufactured. Installation of new DA tank, and full integration of controls and alarms into existing control system shall be required.
3. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253 (c) (1), as implemented by FAR 6.302.1
  - ( ) (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;
4. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

RHI is a SDVOSB with equipment and personnel on site and has demonstrated on previous emergency actions the necessary quick response to an emergent condition. RHI has intrinsic facility knowledge and the staff to complete the work as needed. In Accordance with FAR Part 6.302-2, the Government intends to negotiate a sole source contract to a SDVOSB. Additionally, the Veterans First Contracting Program and the Authority under 38 USC 8127-8128 (Sections 502 and 503 of Public Law ((P.L.) 109-461) provides authority to sole source to verified SDVOSB contractors.

Urgency exists due to the existing deaerator tank failure. The VA would be vulnerable to extreme liability and potential consequences to life, health and safety. The contractor, RHI, is currently under contract to install facility CHP, which is in direct proximity to DA tank replacement. Using RHI for this requirement is the most cost effective to the Government due to the cost saving of remobilization, and their familiarity with the SLCVA boiler plant will allow for shorter duration for investigative construction practices. The time savings of the 45+ days required to facilitate solicitation is an additional savings. Failure to respond quickly to will incur additional rental cost for temporary DA tank, no redundancy of DA feed water.

Due to the urgency of the need to correct the deaerator tank failure, competition is not in the best interest of the Government because time is of the essence.

5. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This requirement will not be synopsized in accordance with 5.202(a)(2), in

that this acquisition is being conducted under Unusual and Compelling Urgency, and the Government and Veteran patients would be seriously injured if the agency complies with the time periods specified in 5.203.

**Independent Government estimates:** The Independent Government Estimate (IGE) has been completed using market research and RS Means and will be used to evaluate the contractor's price proposal for fair and reasonable. [REDACTED]

6. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** All offered pricing will be reviewed by the Contracting Officer (CO) and Contracting Officer's Representative (COR) upon receipt of the proposal, comparison to the IGE and any necessary negotiated adjustments. In addition to comparison to the IGE, other than certified cost or pricing data may be used to determine the price fair and reasonable.
7. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**  
FAR Part 10 directs that market research be conducted on each acquisition appropriate to the circumstances. No market research was conducted for this acquisition. As stated in paragraph 6 above, "due to the time sensitive, urgent issue and the limited availability of contractors in the immediate area supplying this type of service, RHI was the best fit SDVOSB determined capable of responding to the emergency requirement.
8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Not Applicable. RHI is a SDVOSB firm who has been awarded multiple projects from NCO 19 at this location with fair and reasonable pricing. RHI currently has ongoing projects on site so mobilization costs would be minimal.
9. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section 6 above.
10. **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:** Barriers to completion should not be an issue on future procurements.
11. **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.

Dion A. Baptiste  
127234

Digitally signed by Dion A.  
Baptiste 127234  
Date: 2018.08.13 14:52:02  
-06'00'

Dion Baptiste

8/13/2018

Date

12. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.

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

Andrew M  
Stigen 452333

Digitally signed by Andrew  
M Stigen 452333  
Date: 2018.08.14 07:31:49  
-06'00'

Andrew Stigen  
Contracting Officer, NCO 19

Date

- a. Director of Contracting /Designee (Required \$150K and above): I certify the justification meets requirements for other than full and open competition.

Gary J. Arwood  
147825

Digitally signed by Gary J.  
Arwood 147825  
Date: 2018.08.14 07:43:36 -06'00'

Gary Arwood  
Division Chief II, NCO 19

\_\_\_\_\_  
Date