

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 36C263-18-AP-2737

1. **Contracting Activity:** Department of Veterans Affairs, NCO 23, 316 Robert Street, St. Paul Minnesota for VAMC Minneapolis. Purchase Request #618-18-4-6977-0141

2. **Nature and/or Description of the Action Being Processed:** The Minneapolis VA Medical Center needs a service contract to repair a 4" sewer line extending from building 89. The sewer line is cracked leaking into the soil, and backing up into the basement where it is creating a damp condition. The basement being damp is creating a mildew smell in the HR offices above it. This is affecting the safe and sanitary working conditions for the personnel that staff the HR department. This action is an urgent and compelling need for sanitation pipe repairs at the VAMC Minneapolis. This action will be processed as a firm-fixed-price Task Order / Delivery Order (TODO) against MATOC #VA263-14-D-0234 (Preferred Electric Inc.).

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Materials and labor to repair the sanitation pipe will cost an estimated XXXXXXXXX. Repairs will be scheduled to be completed within 60 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):** This is a one time, emergent need that cannot wait for the standard PALT period for repairs since it involves a sanitation pipe leak at the VAMC Minneapolis. This is affecting the safe and sanitary working conditions for the personnel that staff the HR department. This action is an urgent and compelling need for sanitation pipe repairs at the VAMC Minneapolis. Preferred Electric, an SDVOSB/MATOC contractor (#VA263-14-D-0234) , is currently mobilized on site and has the ability and resources necessary to provide these services on an urgent basis.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Preferred Electric Inc. was contacted to respond to the VAMC Minneapolis facility due to their close proximity and ability to quickly respond. Preferred Electric Inc. has the ability and resources necessary to provide these services.

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated costs for these repairs shall be determined fair and reasonable in comparison to previous awards for similar services provided at the VAMC Minneapolis facility.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was not conducted prior to this contract action due to the urgent and compelling need for services. This is a one time, emergent action. Subsequent market research has shown that 552 SDVOSB companies in the 5 state area can provide similar general construction services, including Preferred Electric. Awarding to Preferred Electric will satisfy the requirements as set forth in Public Law 109-461.

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:** This action was an urgent and compelling need so only one vendor was contacted. Preferred Electric is the only vendor that has expressed interest in this acquisition. No sources provided a written interest in this acquisition.

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 in the future, similar work is required on a non-emergent basis, NCO 23 will ensure that the requirement is competed via the open market or MATOC procedures

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.

Timothy Darnell

Name: Tim Darnell

Title: COR

Facility: 618

09/11/2018

Date

Thomas

Jennings 740250

Digitally signed by
Thomas Jennings 740250
Date: 2018.09.21 14:39:33
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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.

Dean W.

Flanders 278816

Digitally signed by Dean
W. Flanders 278816
Date: 2018.09.11
12:24:47 -05'00'

Name: Dean Flanders

Title: Contracting Officer

Facility: NCO-23, St Paul

Date 9/11/2018