

# DEPARTMENT OF VETERANS AFFAIRS

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

1. **Contracting Activity:** The Department of Veterans Affairs, VISN 19, Rocky Mountain Regional VA Medical Center, requires a contractor to provide all labor, equipment and materials to repair a broken underground sanitary sewage pipe at the VA Eastern Colorado Health Care System located at 13611 East Colfax Avenue, Aurora, Colorado 80045-5701. The restoration will include all necessary labor, materials, tools and equipment to complete repairs as listed in statement of work. Purchase request number for the requirement is 554-18-4-745-0354.
2. **Nature and/or Description of the Action Being Processed:** This acquisition is for the repair of underground sanitary sewage discharge pipe located between pump vault and valve vault, which is broken and allowing sewage to discharge under the concrete deck at the Denver VAMC. This pipe must be exposed and repaired by saw cutting the concrete deck to gain access. The work will consist of locating the pipe, saw cutting, removing soil to expose the pipe, pipe repair, backfilling and restoring concrete to the previous level. Testing will be sure there are no other leaks will be included in this scope of work.
3. **Statutory Authority Permitting Other than Full and Open Competition:** 41USC §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;
- ( ) (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
- (x) (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;

The statutory authority permitting other than full and open competition is 41 U.S.C. 253(c) (1), as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-5. *entitled*, "Authorized or Required by Statute."

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

GCH Construction is a SDVOSB with equipment and personnel in the area and has demonstrated on the ability for quick response and efficient work. GCH Construction has intrinsic facility knowledge and the expert staff to complete the work as needed. In Accordance with the Veterans First Contracting Program and the Authority under 38 USC 8127-8128 (Sections 502 and 503 of Public Law ((P.L.) 109-461), FAR Part 6.302-5(b)(6), and VAAR 819.7007, the Government intends to negotiate a sole source contract to a SDVOSB.

Urgency exists because affected spaces are in a patient care area and poses immediate consequences to life, health and safety, not only to patients but also to VA personnel. The contractor is able to quickly perform the required remediation and renovations.

Due to the urgency of the need repair sewage line and renovate affected equipment, competition is not in the best interest of the Government because time is of the essence. GCH is in the immediate area and can mobilize quickly to order and perform the required work.

5. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This requirement will not be synopsisized in accordance with 5.202(a)(2), in that this acquisition is being conducted under authorized by statute due to the urgency that exists. Government personnel 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 data 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 Request for 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 5 above, due to the time sensitive, urgent issue and the limited availability of contractors in the immediate area supplying this type of service, GCH was the only SDVOSB firm determined capable of responding to the emergency service at this time.
8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Not Applicable. GCH is an SDVOSB firm who has been awarded projects from NCO 19 at this location with fair and reasonable pricing. Mobilization costs would be minimal as they are located in the vicinity.
9. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section 5 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. The Government shall seek multiple certified contractors.

11. 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

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Andrew Stigen

Contracting Officer, NCO 19