

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 36C248-18-AP-2841

1. Contracting Activity:

Department of Veterans Affairs Network Contracting
Office 8 (NCO8)
10000 Bay Pines Blvd.
Bay Pines, FL 333744

2. Nature and/or Description of the Action Being Processed:

Network Contracting Organization – 8 (NCO8) anticipates awarding a sole source firm- fixed price contract to complete the work required to renovate various wards in buildings 71 and 101 at the Bay Pines VA Healthcare System (BPVAHCS).

3. Description of Supplies/Services Required to Meet the Agency's Needs:

The contractor is to provide construction services, labor, materials, and supervision to renovate various wards in buildings 71 and 101. Renovations will include evaluating existing sprinkler heads, replacing ceiling grids, replacing flooring, installing ceiling mounted patient lifts, surface prep and re-painting each room and other associated renovation actions. The estimated value of this requirement is \$361,000. The contract is to be completed within a period of performance of 120 calendar 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;
- ☐ (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:

(a) In accordance with the Veteran Affairs Acquisition Regulation (VAAR) Part 819.7007(a) Sole source awards to a verified service disabled veteran owned small business, a contracting officer may award a contract to verified SDVOSB concern using procedures other than competitive procedures provided -

- (1) The anticipated award price of the contract (including options) will not exceed \$5 million;

(2) The justification prepared pursuant to FAR 6.302-5(c)(2)(ii) is posted in accordance with FAR subpart 5.301(d);

(3) The SDVOSB concern has been determined to be a responsible source with respect to performance; and

- i. ESA South is a responsible source with respect to performance. ESA South has successfully completed multiple construction contracts that are similar to the renovation of the wards in buildings 71 and 101 with respect to both the magnitude of construction and the technical complexity of the project.

(4) In the estimation of the contracting officer, contract award can be made at a fair and reasonable price that offers best value to the Government.

(b) The contracting officer's determination whether to make a sole source award is a business decision wholly within the discretion of the contracting officer. To ensure that opportunities are available to the broadest number of verified SDVOSBs, this authority is to be used judiciously and only when in the best interest of the Government.

(c) A determination that only one SDVOSB can meet the requirement is not required. However, in accordance with FAR 6.302-5(c)(2)(ii), contracts awarded using this authority shall be supported by a written justification and approval described in FAR 6.303 and 6.304, as applicable.

(d) When conducting a SDVOSB sole source acquisition, the contracting officer shall ensure the business meets eligibility requirements 819.7003.

ESA South is a Service Disabled Veteran Owned Business (SDVOSB)

ESA South is listed as a verified SDVOSB in VIP database at:
<https://www.vip.vetbiz.gov>

ESA South does have the applicable NAICS 236220 and is registered in the VIP database with NAICS 236220.

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

While there are other contractors in Vetbiz.gov, a determination that only one SDVOSB concern available to meet the requirement is not required per the authority cited in paragraph 5. The estimated value of this requirement is greater than \$25,000 and thus will be synopsis IAW Part 5.301(a) (1).

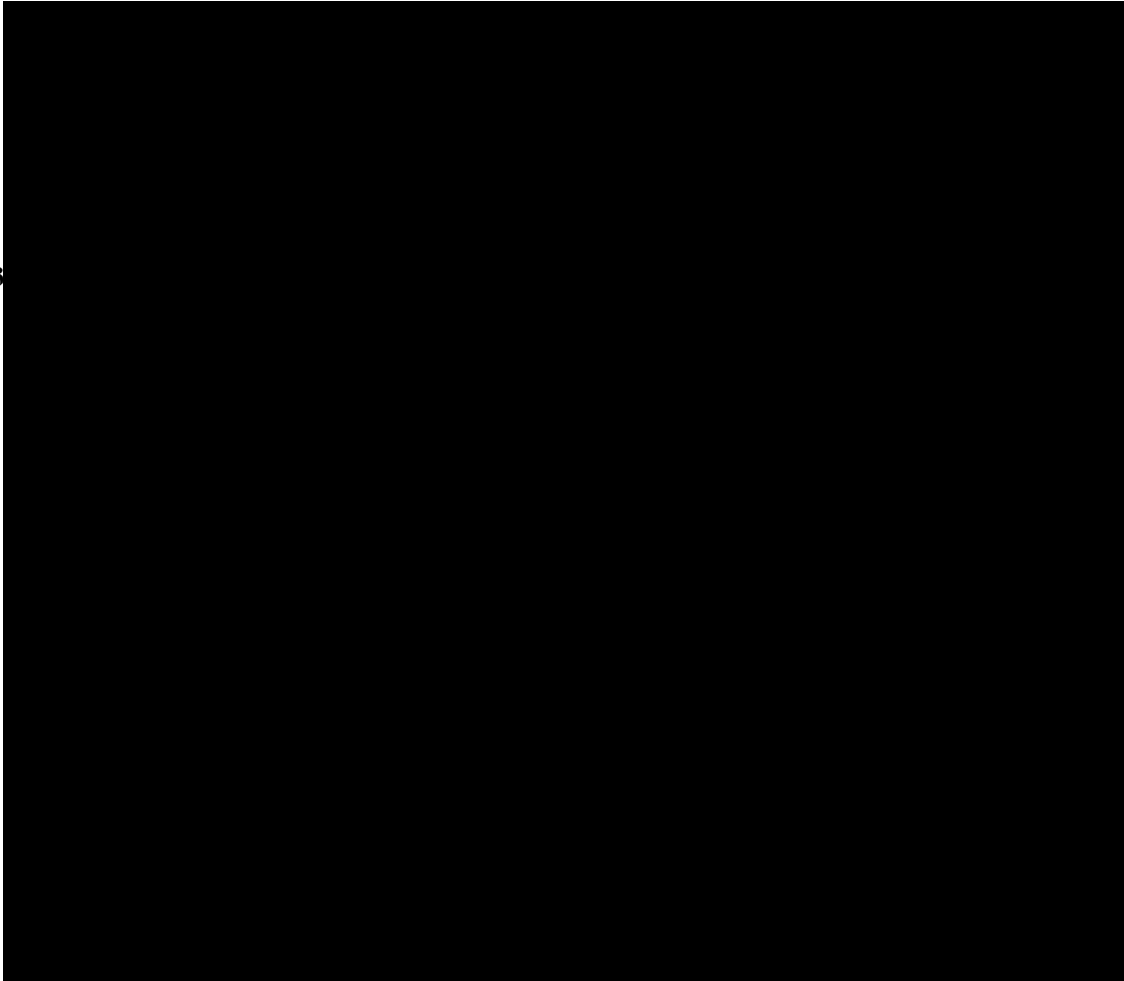
7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The contracting officers anticipates an agreement between Government and ESA South will result in a Fair and Reasonable Price.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons.

Market Research Was Not Conducted: The VIP database was queried in accordance with VAAR 810.001, Market research policy. ESA South is listed in the CVE database as a Service Disabled Veteran Owned Small Business.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Under the authority granted by Public Law 109-461, the VA is authorized to set-aside contracts and/or award sole source awards to SDVOSB and VOSB firms.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Not Applicable.
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:** There are no barriers to competition. We are using the authority granted by VAAR 819-7007 sole source awards to service disabled veteran owned small business concerns as a tool for construction requirements to repair/fix facility deficiencies in an accelerated manner.
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Bay Pines VA Healthcare System 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.

13.  n.