

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)**

Acquisition Plan Action ID: 36C261-18-AP-1056

1. Contracting Activity:

*Department of Veterans Affairs
Network Contracting Office (NCO) 21
VA Northern California HealthCare System
150 Muir Road, Bldg: AB7; Rm: AB701
Martinez CA 94553-4668
VISN: 21*

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

This procurement action is for a Firm Fixed Price, Sole Source Award for Waste Management Services at the Martiniz OutPatient Clinic. This action is for commercial services and in accordance with FAR 13.106-1(b).

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

*Base Year: \$ 90,294.72 and Total: \$ 485,171.13
The Martiniz OutPatient Clinic requires Waste Management Services for the removal of waste as well as recycling services, these services are critical to the Hospital Clinic operations, without these services the Clinic would be in danger of creating a hazardous health environment for the patients and staff, and may disrupt patient care.*

4. Statutory Authority Permitting Other than Full and Open Competition:

- ☒ (X) (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 (applicability of authority):

The authority for this requirement is FAR 6.302-1 (Only One Responsible Source), is based on the following:

The vendor Republic Services, Inc. currently has a Franchise Agreement (effective date November, 18, 2015) with the the City of Martinez which gives Republic Services, Inc the exclusive right to provide waste management and collection services within the city limits of Martinez. The Department of Verteran Affairs is not able to contract with any other vendor for waste collection and/ or management services within the City of Martinez. The VA is offered the same negotiated rate as the the City of Martinez.

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

Based on the nature of the the location of the VA and the City of Martinez's right to establish a Franchise Agreement no other alternatives are available at this time.

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

The Government has minimal influence on the cost services and continually seeks additional discounts for economies of scale exist. Although the current rates have been pre-negotiated by the City of Martinez, they are comparable to other neighboring City Rates and therefore deemed fair and reasonable.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Verification of a current Franchise Agreement for the City of Martinez was conducted as well as historical contracts for the Martinez Out Patient Clinic.

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:

The only vendor that expressed intrest is the vendor cited in the Franchise Agreement, Republic Services, Inc.

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:

See #6

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Sole Source Justification Format >\$150K

- 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.

[Redacted Signature]

Name
Title
Facility

Sept. 28, 2018

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.

[Redacted Signature]

Jason T. Hill
Contracting Officer

Date

- b. **One Level Above the Contracting Officer (Required over \$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

[Redacted Signature]

Mark A. Bultman
Branch Chief, Services Team II

Date