

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID:** VA261-18-AP-1763

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, Sierra Nevada Health Care System.
2. **Nature and/or Description of the Action Being Processed:** We will be establishing a firm fixed price contract for waste removal services at the at the Reno Medical Center under the Sierra Nevada Health Care System.

**FAR13.5 Simplified Procedures for Certain Commercial Items:** This procurement is for waste removal services in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This contract will be for maintenance waste removal services at the at the Reno Medical Center under the VA Sierra Nevada Health Care System. The estimated amount is [REDACTED] for a period of performance consisting of a base year plus four option years.

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

**FAR13.5 Simplified Procedures for Certain Commercial Items:** The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2)..

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 procurement falls under Part 13, which is exempt from the requirements under Part 6. FAR 13.103-1(b)(1) states that "Contracting officers may solicit from one source if the contracting officer determines that the circumstances of the contract action deem only one source reasonably available." The circumstances of this contract deem only one source reasonably available.

Reno Disposal Co. has franchise agreement with Reno granting them exclusive rights to provide waste removal services. No other entity is legally authorized to provide these services within Reno in accordance with Nevada state law.

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

Before being aware of the franchise agreement, we conducted market research by reviewing the VetBiz vendor database under the applicable NAICS code and by posting a Sources Sought notice. We received responses to the Sources Sought but subsequently became aware of the franchise agreement which grants exclusive rights of the service to Waste Disposal Co.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The franchise agreement with the City of Reno includes pricing that is regulated under the laws of Nevada.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted before being aware of the franchise agreement. The agreement provides exclusive rights to Reno Disposal Co, so the market research efforts were a moot point.

**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:**

Reno Disposal Co. (dba Sparks Sanitation)  
100 Vassar St  
Reno, NV 89502  
DUNS: 047892252

**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:** Under the laws in the State of Nevada, cities within Nevada can grant exclusive rights for certain services designated within the Nevada statutes. In this scenario, we are prohibited from competing waste removal services. The VA cannot take any actions to overcome this barrier to competition.

**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.

Larry C. Hillson  
263875

Digitally signed by Larry  
C. Hillson 263875  
Date: 2018.09.13  
09:35:10 -07'00'

Larry C. Hillson  
Hospital Housekeeping Officer

**13. Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:**

**Contracting Officer's Certification:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Michael P.  
Hodahkwen  
1024447



Digitally signed by Michael  
P. Hodahkwen 1024447  
Date: 2018.09.13 09:36:37  
-07'00'

---

Michael P. Hodahkwen  
Contracting Officer

**One Level Above the Contracting Officer:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

MARK J.  
MIKUS 140783



Digitally signed by  
MARK J. MIKUS 140783  
Date: 2018.09.13  
09:39:44 -07'00'

---

Mark J. Mikus  
Branch Chief  
Network Contracting Office 21