

DEPARTMENT OF VETERANS AFFAIRS

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

1. **Contracting Activity:** Department of Veterans Affairs, National Cemetery Administration, 75 Barrett Heights Road, Suite 309, Stafford, VA 22556, Purchase Request Number 7869-000132.
2. **Nature and/or Description of the Action Being Processed:** The National Cemetery Administration, Stafford Centralized Contracting anticipates the sole source award of a fixed price contract is to supply inscribed flat granite markers utilizing FBO destination shipping requirements on a nationwide basis to National and State Veterans Cemeteries.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** There is a need for a sole source for inscribed flat granite markers on a nationwide basis to National and State Veterans with a period of performance of 90 days but not to exceed six months to American Veteran Contracting Solutions, LLC a verified SDVOSB. The independent government estimate for this acquisition is \$1,989,020.
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
 - (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;
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 nature of the acquisition requires the use of authority found in 38 USC § 8127(c) (Public Law 109-461), and VA Acquisition Circular 2008-01, 819.7007 Sole Source awards to service-disabled veteran-owned small business concerns.

(a) A contracting officer may award a contract to a verified SDVOSB concern using procedures other than competitive procedures provided –

1. The anticipated award price of the contract to a verified SDVOSB concern (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
4. In the estimation of the contracting officer, contract award can be made at a fair and reasonable price that offers the best value to the Government.

(b) The contracting officer's determination 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 award 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.

(e) A procurement requirement estimated to exceed the legislative threshold of \$5 million shall not be split or subdivided to permit the use of this SDVOSB sole source authority.

Award is not to exceed \$4.9 million over a six-month period.

This action will be posted 14 days after award in accordance with Defense Authorization Act dated 2008.

The SDVOSB contractor has been determined to be responsible.

The price is fair and reasonable based on comparison to the IGE and pricing received from previous solicitations.

The Contracting Officer has determined that it is in the best interest of the Government to award a sole source contract to American Veteran Contracting Solutions, LLC. There will be a cost savings and eliminate the opportunity for a disruption in services. American Veteran Contracting Solutions, LLC has performed successfully and continues to perform on private national U1/U5 headstones

contract and can also support our needs to supply inscribed flat granite markers 90 days but not to exceed six months.

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, the contracting officer's determination was to make a sole-source award as a business decision within the discretion of the contracting officer. The pending competitive solicitation is active and will be solicited to potential SDVOSBs for the long-term award. The anticipated award date for the long-term contract is January 1, 2019. The sole source is needed to allow services to continue until the long-term contract is established.

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable: The Contracting Officer's anticipates the contract award between the Government and American Veteran Contracting Solutions, LLC will result in a fair and reasonable price in comparison utilizing the Independent Government Estimate (IGE), past pricing and recent quotes or proposals submitted in current procurements. Award will not to exceed \$4.9 million over a six-month period.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Efforts were made to locate an SDVOSB in Vetbiz, SAM, DSBS, and RFI's posted on FBO along with active procurements and additional RFI's. Interested parties are required to submit samples of flat granite markers that meet the requirements of the statement of work and are reviewed and evaluated by members of the Memorial Program Services. American Veteran Contracting Solutions, LLC has the capability to produce the flat granite markers since they are currently performing on upright marble headstones contracts based on FOB destination shipping.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: Under the authority granted by (Public Law 109-461) 38 USC § 8127(c), the VA is authorized to set-aside contracts and/or award sole source awards to SDVOSB firm. Due to the time constraints and the short performance period of 90 days but not to exceed six months for the contract, competition would not be possible.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: 1) Veterans Monument Company 194 Quail Ridge Road, Caledonia, MS 39740 and 2) Manus Medical, 3420 Pump Road, Suite 348, Richmond, VA 23233 both expressed interest.

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 to supply granite flat markers and to contribute to VA Small Business Goals.

There is an existing solicitation that was set-aside as an SDVOSB that is at the pre-award phase, however the current procurement is in a holding pattern due to corrective actions that need to take place based on GAO protest findings. The existing requirement has been competed and quotes will

continue to be received. The sole source is needed to allow services to continue until the protest corrective actions are resolved.

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.



13. **Approvals:**

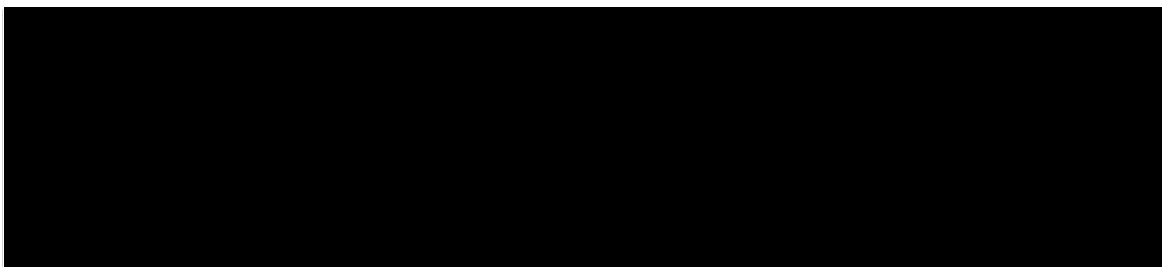
- a. **Contracting Officer or Designee's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



- 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.



- c. **Director Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval.



- d. **HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval.

