

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

Department of Veterans Affairs, VISN 8, Miami VA Healthcare Systems, Bruce W. Carter Medical Center requests authorization to proceed with other than full and open competition to acquire services for purchase request 546-131-6872-0001.

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

This is a request for other than full and open competition for the procurement and construction services for painting Fisher House rooms and repairs doors at the Bruce W. Carter VA Medical Center located in Miami, Florida as required by statement of work and specifications.

Proposed award for this procurement is to Pointer Construction Group, a Service Disabled Veteran Owned Small Business (SDVOSB) concern.

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

This requirement calls for labor, supervision, equipment, and all other resources required repainting Fisher House rooms and repairing doors. The contractor will visually check all property doors for proper closure to include hinges, door closers, door latches/strikes, panic hardware and threshold. The estimated cost of this project is less than \$50,000.00 and the period of performance is 30 calendar days or less.

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

Authorized or Required by Statute FAR 6.302-5.

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

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

Sole Source awards to service disabled veterans-owned small business concerns.

- (a) A contracting officer may award contracts to SDVOSB concerns on a sole source basis provided:

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- (1) The anticipated award price of the contract (including options) will not exceed \$5 million;
 - (2) The requirement is synopsised in accordance with FAR part 5;
 - (3) The SDVOSB concern has been determined to be a responsible contractor with respect to performance; and
 - (4) Award can be made at a fair and reasonable price.
- (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. A determination that only one SDVOSB concern is available to meet the requirement is not required.

The anticipated award amount is less than \$50,000.00. It is anticipated that a special notice announcing the contract action will be posted on FEDBIZOPPs in October 2012. A separate determination of the contractor's responsibility has been made in accordance with FAR 9. A sole source award is proposed pending negotiation of a fair and reasonable price.

Pointer Construction Group is immediately available for the execution of the work. They are currently working projects to (1) remove inoperative Fire and Smoke Dampers and (2) upgrade the Public Restrooms at the Miami VA Medical Center. The Contracting Officer is recommending an SDVOSB sole source to SEICO Construction Consultants, Inc., based on the aforementioned.

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 is available to meet the requirement is not required per the authorities cited in paragraph 5.

The Contracting Officer has determined that Pointer Construction Group is qualified as a SDVOSB; and will provide superior construction services based on the company's past performance on various projects completed at the Bruce W. Carter Veteran Affairs Medical Healthcare System.

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

Based on the authorities cited in this justification, a sole source award to subject contractor is proposed pending negotiation of a fair and reasonable price. It is expected negotiations with result in a cost which compares favorably to the independent Government Estimate.

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; Pointer Construction Group is listed in the VIP database along with other multiple SDVOSB concerns.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

Per authorities cited in paragraph 5, the contracting officer's determination whether to make a sole source award is a business decision wholly within the discretion of the contracting officer.


10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition):**

Multiple SDVOSBs exist in the VIP database; however, the contracting officer's determination whether to make a sole source award is a business decision wholly within the discretion of the contracting officer. A determination that only one SDVOSB concern is available to meet the requirement is not required. The CO has determined a sole source award is in the best interest of the VA.


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:**

Any future SDVOSB sole source awards in the best interest of the VA will be rotated to other SDVOSB's determined responsible.

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.


Henry D. Cox
Building Maintenance Foreman
Engineering

9/24/12
Date


JOHNNIE JACOBS, JR.
Contracting Specialist
SAO East, NCA 8, Construction Team 1

9/24/12
Date

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13. Approvals in accordance with Public Law 109-461: Veterans First Program

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

Edward
F.
Schuman

Digitally signed by: Edward F.
Schuman
DN: CN = Edward F. Schuman C
= US O = U.S. Government OU
= Department of Veterans Affairs
Date: 2012.09.24 12:55:50 -
0500

9/24/2012

Date

EDWARD F SCHUMAN
Construction Team 1 - Supervisor
Miami / NF-SG / Orlando
Network Contracting Office
Service Area Office – East
Department of Veterans Affairs - VHA