

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 36C246-19-AP-1240

1. **Contracting Activity:** Department of Veterans Affairs, VISN 6, Salem Medical Center (658), Network Contracting Office 6 (NCO 6)
2. **Nature and/or Description of the Action Being Processed:** This procurement is for construction services, under unusual and compelling urgency, in accordance with FAR 6.302-2. The medical center faces a high risk, with a high probability of occurrence, of patients contracting diseases from Legionella bacteria. This is a new procurement action and is planned as a firm-fixed price contract with a duration of 300 days from Notice-to-Proceed (NTP). The anticipated award date is 3 July 2019. Total cost of this action is estimated at [REDACTED].
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The construction effort shall include modifications to the two pump station buildings and the water tower. The modifications include building renovations/additions, piping, site work, chemical feed pumps and equipment, electrical and HVAC improvements and remote water quality monitoring. All requirement documents for this action, drawings and specifications, are complete.
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;
 - (X) (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):** Legionella bacteria are present in aquatic environments around the world. Typically, these bacteria are harmless, except when they become aerosolized, as in domestic water systems when water leaves a faucet, shower head or water fountain. The risk of infection is multiplied in high-risk populations, elderly or immunocompromised individuals, which are a significant portion of the population at the medical center.

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

There are several factors which contribute to Legionella growth in the domestic water supply at the Salem VA Medical Center:

1. Age of Infrastructure – there are distribution lines on campus that are 80+ years old.
2. Low influent chlorine residual – Salem VAMC receives most of its water from the City of Salem; influent chlorine levels are typically less than 1.5 ppm at our pump stations and the levels decrease throughout the system.

Currently, Salem VAMC performs system flushing (in-house) and testing (third party vendor) for Legionella bacteria in the domestic water supply of patient care facilities in accordance with the Water Safety Directive (VA Directive 1061). In March of 2019, Salem saw a drastic increase in positive Legionella testing results (95% positive) that resulted in an emergency hyper-chlorination of two in-patient treatment facilities, the main hospital and mental health treatment center. This action provided short term mitigation of a persistent problem. Long term use of hyper-chlorination is not a feasible alternative; there are significant health risks during each event due to the concentrations of chlorine introduced in the system and eventually the facility will see degradation of the domestic water piping that will result in leaks and failures in the system.

This project will add mixed-oxidant injection stations that will increase the residual concentrations of disinfectant present in the system and provide continuous monitoring of oxidant levels. This will provide residual disinfectant concentrations that will inhibit growth of Legionella bacteria in the domestic water system. Until this project is complete, patients and staff at the Salem VA Medical Center will be at a higher risk of contracting diseases caused by Legionella bacteria and the Government faces significant liability if this occurs. To be clear, this effects every part of the water distribution system; sinks, showers, water fountains, toilets, eye wash stations, etc.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Due to the urgent and compelling nature of this requirement, the government believed that it was in it's best interest to seek out a vendor with a history of successful past performance in performing this type of work. The government has decided to issue a sole source award to Jett's Specialty Contracting (SDVOSB), LLC (DUNS: 078769737).
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The Government has an IGCE prepared by the A/E during design which will provide a basis for determining price fair and reasonable prior to award.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The urgent and compelling nature of this requirement limited market research efforts to finding one vendor (Jett's Specialty Contracting, LLC) that could perform the job in an efficient manner for the SALEM VAMC.

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

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** A statement of work, engineering drawings and specifications have been provided as part of this procurement; these documents will serve as the requirements for this action. There is an urgent need to move this project to award to mitigate the significant health risks present and to ensure that no adverse effects occur.

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

Jett's Specialty Contracting, LLC (SDVOSB)
913 Park Avenue Paducah
Paducah, KY, 42001-7056
1-270-564-0351

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:** Future contracting actions will follow the procedures outlined in FAR 6.1 Full and Open Competition. This action is a deviation from standard procedures because of the significant risks present to patients and the Government.

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.

Eric B. Carpenter
142575

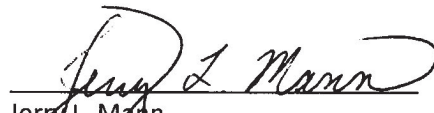
Digitally signed by Eric B.
Carpenter 142575
Date: 2019.06.18 10:59:19
-04'00'

Eric B. Carpenter
Chief, FMS
Salem VA Medical Center

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.


Jerry L. Mann
Branch Chief, Supply Team 3
RPO East/NCO 6

6/18/19
Date

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

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



Nancy Bailey
NCO 6 Director of Contracting

6-18-19

Date

- c. **VHA SAO 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 (if over \$68 million) or approve (\$700K to \$68 million) for other than full and open competition.

JOSEPH MALETTA
1347841

Joseph P. Maletta
Executive Director, RPO East
Head of Contracting Activity

Digitally signed by JOSEPH
MALETTA 1347841
Date: 2019.06.24 00:24:27 -04'00'

Date