



**DEPARTMENT OF VETERANS AFFAIRS**  
**Office of Acquisition Operations**  
**Strategic Acquisition Center – Frederick**  
**5202 Presidents Court, Suite 103**  
**Frederick, MD 21703**

**Justification and Approval for Other than Full and Open Competition**  
**6.302-5 – Authorized or required by statute**

1. Identification of the agency and the contracting activity.

This Justification and Approval (J&A) for Other Than Full and Open Competition is executed by the Strategic Acquisition Center in Frederick, Maryland on behalf of the Department of Veterans Affairs (VA), Office of Information Technology (OIT).

2. Nature and/or description of the action being approved.

This action is a non-competitive award (sole-source) with Water Treatment Services (WTS) / First Defense for the procurement of the installation of electrical monitoring instrumentation at the Capital Regional Readiness Center (CRRC).

3. A description of the supplies or services required to meet the agency's needs (including the estimated value).

The Government requires that the contractor procure, install, and configure electrical monitoring instrumentation at the CRRC for the purpose of monitoring critical electrical system parameters via the Supervisory Control and Data Acquisition (SCADA) system at the CRRC.

The total estimated value of the proposed action with options is \$135,000.00.

4. An identification of the statutory authority permitting other than full and open competition.

The statutory authority permitting other than full and open competition for this procurement is Public Law (PL) 109-461, Veterans First Contracting Program, as codified at 38 U.S.C. 8127 and 8128 and implemented at Veterans Affairs Acquisition Regulation (VAAR) Subsection 819.7007(c).

5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

38 U.S.C. 8127(c) permits a contracting officer to award a contract to a verified SDVOSB using procedures other than competition if:

- (1) such concern is determined to be a responsible source with respect to performance of such contract opportunity;
- (2) the anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 134 of title 41) but will not exceed \$5,000,000; and
- (3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

The proposed action meets all three of the requirements of 38 U.S.C. 8127(c). First, WTS has been verified by VIP as owned and controlled by a service-disabled veteran. WTS provides the services required under this Statement of Work. Further, WTS has successfully provided services to the VA



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similar to the required services. WTS is also registered in the System for Award Management (SAM) as a small business under the applicable North American Industry Classification System (NAICS) code. As such, WTS is determined to be a responsible source with respect to performance of this opportunity.

Second, the anticipated award price of the contract is \$135,000 and, therefore, does not exceed the statutory threshold.

Finally, the contracting officer estimates that the award can be made at a fair and reasonable price that offers best value to the United States. The VA possesses ample historical pricing information that can be used to determine whether the proposed price is fair and reasonable and, depending on the contracting officer's analysis of the proposed price, to further negotiate the proposed price. Because WTS has already competed for and been awarded a contract with the VA for similar services, it is likely that it will again be able to submit an offer providing best value to the United States. Most importantly, the contracting officer will not award a contract without first determining that the proposed price is fair and reasonable and the offer represents best value.

6. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies.

In accordance with 819.7007(b), the determination to make a sole source award to an SDVOSB is a business decision wholly within the discretion of the contracting officer; therefore, the requirement to ensure that offers are solicited from as many potential sources as practicable is not applicable to this procurement. In addition, 819.7007(c) further authorizes the contracting officer to make the award without first determining that only one SDVOSB source can meet the requirement.

A notice of the proposed action will be synopsisized via the Government Point of Entry (GPE) in accordance with FAR Section 5.201, and the agency will make publicly available the justification required by 6.305(a) within 14 days after contract award.

7. A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

No award shall be made until the Contracting Officer determines the costs to the Government to be fair and reasonable. This determination will be based on the historical pricing data agreed to in one or more VA contracts for the same or similar services.

8. A description of the market research conducted (see Part 10) and the results or a statement of the reason market research was not conducted.

Market research was conducted, and WTS has been determined to be a responsible source with respect to performance. They are registered and certified in **VetBiz/ Vendor Information Portal (VIP)** as a SDVOSB with the NAICS code for this requirement which in accordance with Public Law 109-461 Section 502(c) meets the requirements of this statute to sole source to a SDVOSB. In addition, a review of its Representations and Certifications was conducted in the System for Award Management (SAM) and Career Management Associates represented that they are a SDVOSB.



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In addition, the Federal Awardee Performance and Integrity Information System (FAPIIS) was reviewed and FAPIIS shows no reports for Career Management Associates that would indicate defective pricing, instances of contractor fault or recipient not-qualified, terminations for cause, default or material failure to comply, or non-responsibility of the contractor.

9. Any other facts supporting the use of other than full and open competition.

The FAR allows restrictive provisions or conditions to the extent necessary to satisfy the needs of the agency or as authorized by law (FAR Subsection 11.002(a)(1)(ii)). As such, the Government has discretion to reasonably restrict competition as long as that requirement is needed to meet the agency's minimum need.

10. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.

None.

11. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.

The VA will continue to conduct market research and will consider competing similar future requirements.

12. Certifications / Signatures.

**Contracting Officer Certification/ Approval:**

Pursuant to FAR Subsection 6.303-2(b)(12), I certify that this justification is accurate and complete to the best of my knowledge and belief and approval is thus provided.

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Todd Synder  
Contracting Officer  
Strategic Acquisition Center – Frederick

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Date