

Emergency Roof Drain Repair Oklahoma City VAMC
DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 36C259-19-AP-5508

1. **Contracting Activity:** The Department of Veterans Affairs, Network Contracting Office (NCO) 19, 6162 South Willow Dr., Suite 300, Greenwood Village, CO 80111, on behalf of the Oklahoma City Veterans Affairs Medical Center (VAMC), proposes to enter into a contract on the basis of other than full and open competition to provide all labor, material, equipment, and supervision necessary to repair a leaking roof drain.
2. **Nature and/or Description of the Action Being Processed:** NCO 19 intends to award a new firm-fixed priced construction contract 36C25919C0298 as a sole source to a Service Disabled Veteran Owned Small Business (SDVOSB). During rain, the roof drain has numerous cracks/holes that allow water to leak onto the ceiling and floors of the hospital, causing an unsafe and unhealthy environment. This situation can lead to mold growth and other hazardous conditions such as crumbling sheet rock.

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

The requirement is to repair/replace a roof drain that has deteriorated to the point of having multiple leaks throughout the system.

Independent Government Estimate (IGCE) is \$253,098.14. Delivery date is 30 calendar days from notice to proceed.

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
- ☒ (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;

4. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**
Terra construction is the only SDVOSB Construction contractor on site at the Oklahoma City VAMC. Terra construction has completed numerous construction projects at the Oklahoma City VAMC and is highly capable of providing quality service and can immediately start work on this project.

5. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Due to the urgency and unsafe/unhealthy environment caused by this situation, Terra is the only SDVOSB that could immediately start the repair. No other competition was sought.
6. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The price will be evaluated and determined to be fair and reasonable by price analysis 15.404-1(a)(2) and comparison to the IGCE once received from contractor.
7. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Due to the urgency market research was limited to available contractors that could immediately start the work to eliminate the condition. This research showed that Terra Construction has the equipment and personnel already on-site doing work and could immediately start the repairs.
8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** This was an emergency repair, which makes the planning and anticipation of similar conditions hard to plan for.
9. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

Terra Construction
7429 NW 84th St.
Oklahoma City OK 73132

10. **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:**

Due to the urgent nature, a local SDVOSB was contacted to perform this work. Future non urgent requirements will be solicited.

11. **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.

JOYCE M.
FILSINGER 218390

Digitally signed by JOYCE M.
FILSINGER 218390
Date: 2019.09.26 07:19:27 -05'00'

Name: Joyce Filsinger
Supervisory Engineer
Facility: Oklahoma City VAMC

Date _____

12. **Approvals in accordance with the [VHAPM Part 806.3 OFOC SOP](#):**

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

Aldo F. Girany
383200
Digitally signed by Aldo F.
Girany 383200
Date: 2019.09.26 07:48:12
-06'00'

Aldo F Girany
Contracting Officer

- b. **Branch Chief**: I certify the justification meets requirements for other than full and open competition.

Andrew Stigen
Construction Branch Chief, NCO 19

- c. **Division Chief**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Gary Arwood
Division Chief II, NCO19