



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, on behalf of the U. S Government Accountability Office, (GAO) High Risk List Professional Support Liaison (GOAL), and the Department of Veterans Affairs (VA) located at 810 Vermont Avenues, NW, Washington DC, 20420.

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

This activity proposes to negotiate a non-competitive award (sole-source) with Blue Water Thinking, (a verified Service-Disabled Veteran-Owned Small Business), for professional support services to assist GOAL Office with the implementation and continued assessment of its GAO HRL strategic direction/ plan. The Contractor requirements include supporting GAO HRL efforts for VA Healthcare to meet criteria for removal from the GAO High Risk List. The anticipated period of performance for the awarded contract is as follows:

Base Period:	September 30, 2019 – September 29, 2020
Option Period One	September 30, 2020 – March 29, 2021

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

VA requires professional support services to assist High Risk List Professional Support Liaison (GOAL) Office with the implementation and continued assessment of its GAO HRL strategic direction and concept of operations plan. The support for GAO HRL efforts includes Program Management, Strategic Development, Risk Management, Change Management with Prosci, Technical writing and Administrative Support and Meeting Planning.

The estimated value of the proposed action is \$4,725,408.00 consistent with the previous prices paid by the Government for similar professional support services to this program office.

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 41 U.S.C. § 3304(a)(5) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-5 entitled, "Authorized or required by statute". The applicable statute is Public Law 109- 461: "Veterans Benefits, Health Care, and Information Technology Act of 2006" specifically, the "Veterans First Contracting Program" outlined in 38 USC §8127(c).

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

Blue Water Thinking is a registered and VIP-verified Service-Disabled Veteran-Owned Small Business (SDVOSB) small under the applicable NAICS 541611 Administrative Management and General Management Consulting Services. Blue Water Thinking has the required expertise and experience supporting various VA high level programs. Blue Water Thinking conducts work in all related NAICS and has historically provided services and on-time delivery of specified Professional Services to GAO under its various contracts.

Blue Water Thinking is capable of successfully delivering the services to Government Accountability Office (GAO) High Risk List Professional Support Liaison (GOAL) over this base plus option year contract. Blue Water Thinking offers an exceptional combination of highly skilled capabilities, innovative out of the box planning, and an exceptional combination of corporate and personnel capabilities needed to support the requirements at a high level. Of note, its personnel have provided operational support and tactical advice to stand up and operationalize a Program Management Office (PMO) and five Working Groups assigned to address the high-risk areas GAO identified, including a sixth Working Group dedicated to integrating the activities of all high-risk areas. These five specific high-risk areas span VA enterprise operations, policy, oversight, IT, training, budgeting, and resourcing. Blue Water's personnel facilitated analysis and distilled that analysis into targeted management studies that identified the root causes of the high-risk areas that GAO identified. This relevant experience will prove valuable to this contract effort.

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.

IAW VAAR § 819.7007 Sole source awards to service-disabled veteran-owned small business concerns (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."

A notice will be publicized as required by Subpart 5.2.

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 complimented by an assessment of the level of effort and labor mix proposed as the basis for its firm fixed price.

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 Blue Water Thinking has been determined to be a responsible source with respect to performance. They are registered and certified in VetBiz.gov 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 their Representations and Certifications was conducted in the System for Award Management (SAM) and Blue Water Thinking has no exclusions.

In addition, the Federal Awardee Performance and Integrity Information System (FAPIS) was reviewed and FAPIS shows no reports for Blue Water Thinking 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.

In accordance with Public Law 109-461, codified at 38 USC § 8127, in order to increase contracting opportunities for small business concerns owned and controlled by veterans and small business concerns owned and controlled by veterans with service-connected disabilities, contracting officers of the VA are given specific statutory authority to award a contract to a small business concern owned and controlled by veterans using procedures other than competitive procedures (i.e. a “sole source” contract). The contracting officer may do so 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.

This procurement meets all these conditions.

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.

All future requirements will be handled on a case-by-case basis. Toward the expiration of this contract, consideration will be given as to whether the future acquisition should be competitive.

## 12. Certifications/ Signatures

**(1) Technical Representative Certification:**

I certify that the forgoing justification is complete and accurate to the best of my knowledge and belief.

Elliott D. Nance

September 25, 2019

Elliot Nance

Date

## Program Analyst

Department of Veterans Affairs

U.S Government Accountability Office (GAO)-VHACIN

**(2) 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 recommended.

Allen L. Smith

9/25/19

Date \_\_\_\_\_

Contracting Officer

## Strategic Acquisition Center – Frederick

**(3) Competition Advocate Review and Approval (\$700K to \$13.5 million):**

Upon the basis of the above justification, I hereby approve, as advocate for competition for the procuring activity, the solicitation of the proposed procurement described herein using other than full and open competition, pursuant to the authority of 38 U.S. Code 8127(c).

Donald Jones

9/25/2019

Date

## Competition Advocate

## Competition Advocate

### Strategic Acquisition Center (SAC)

Tracking Number: DJ017