

## JUSTIFICATION AND APPROVAL

### Justification for Other Than Full and Open Competition (FAR 6.3)

**1. Contracting Agency and Activity.** The Department of Veterans Affairs, Network Contract Office 21 (NCO-21) plans to contract by means of other than full and open competition. This document sets forth the justification and approval for use of one of the exceptions to full and open competition allowed under the Competition in Contracting Act (CICA) of 1984. (This area will be completed by NCO 21)

**2. Nature of Action Being Approved:** *Emergency smoke remediation at the Santa Rosa CBOC.*

**3. Description of Supplies or Services.** *Emergency smoke remediation stemming from the Kincaid Fire cleanup. The services must be performed over the weekend in order to ensure veterans can receive medical services without risk of contamination or infection. The estimated value is \$83K.*

**4. Statutory Authority.** The proposed action may be awarded without full and open competition under 41 U.S. Code § 3304 (a)(2) as implemented in FAR 6.302-2.

41 U.S. Code § 3304(a)(2): “the executive agency’s need for the property or services is of such an unusual and compelling urgency that the Government would be seriously injured unless the executive agency is permitted to limit the number of sources from which it solicits bids or proposals.”

FAR 6.302-2(A)(2): “When the agency’s need for the supplies or services is of such an unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals, full and open competition need not be provided for.”

**5. The proposed contractor’s unique qualifications or the nature of the acquisition requires use of the authority cited.** *After canvassing the immediate area, three vendors were contacted, Service Master Restoration, Fire and Water Damage Recovery, and Clark Contracting LLC. Out of all three, Clark Contracting was the only source capable of mobilizing and being on-site within 24 hours to meet the scope to clean the 34,000 square foot Santa Rosa VA Clinic. If the remediation did not occur, the additional costs to patient care or infection caused without would be immeasurable. Redirecting patients to other facilities by ambulance would cost additional funds as well as potential trauma to the veteran patients.*

**6.** As stated above, three firms were contacted to see who could mobilize, be on-site, and deliver the remediation services needed for the Clinic to not cease operations.

**7. Fair and Reasonable.** The anticipated cost to the Government for this contract action will be determined fair and reasonable by the contracting officer.

**8. *The Efforts to Identify Additional Sources Including the Market Research Conducted.*** *Calls were made to multiple cleaning and smoke remediation firms. However, only one possessed the capability to mobilize and be on-site the next day to allow the facility to open and provide health care services.*

**9. *Other Information.*** *If award was made to another source, the Department of Veterans Affairs would incur significant financial losses, as well as a possible further loss of public confidence in our ability to provide lifesaving care to Veterans. If it was required to locate another sole source provider or issue a competitive solicitation, the Agency would have to close down the Northern California Healthcare System Intensive Care unit. **The impact of sending the 5 veterans housed in this unit to civilian providers would be \$22,658.00 per day. The total outlay to the network would be \$3.4M for the 30 day period necessary to get award an emergency competitive contract.***

**10.** The following sources expressed in writing an interest in the acquisition. Clark Contracting, LLC.

**11. Recommendation and Certification from Program Office.**

*Based on the above, I recommend this acquisition be conducted on the basis of other than full and open competition. I certify that technical data which form a basis for this justification that are the responsibility of technical or requirements personnel are complete and accurate.*

Michael S. Anda Digitally signed by Michael S. Anda 1676646  
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*Title*

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*Digital Signature*

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*Date*

**12. Certifications from the Contracting Officer:**

a. It is hereby determined that the anticipated cost to the Government will be fair and reasonable based on receipt of a negotiated proposal and comparable to an independent Government estimate.

All of the requirements of the Competition in Contracting Act, (41 U.S.C. 3304), as implemented in the Federal Acquisition Regulations, have been considered in preparing this justification. This justification is accurate and complete to the best of my knowledge and belief.

**13. Approvals**

Michael S. Anda 1676646 Digitally signed by Michael S. Anda 1676646  
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Contracting Officer

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Date