

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

Department of Veterans Affairs, VISN 8, Miami Veterans Affairs Healthcare System, (MVAHS) Bruce W. Carter Medical Center requests authorization to proceed with other than full and open competition to acquire services for purchase request 546-13-1-6873-0002.

2. Nature and/or Description of Action Being Processed:

This is a request for other than full and open competition for the procurement construction services for remediating molds and asbestos in the Community Living Center (CLC) Dining Room at the Miami VAHS).

Proposed award for this procurement is to Megawattage Generator, Inc., a Service Disabled Veteran Owned Small Business (SDVOSB) concern.

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

This requirement calls for the vendor to provide all labor, materials, supplies, equipment, manpower and supervision necessary to successfully remediate molds and asbestos in the CLC Dining Room area. Services consist, but will not be limited to, maintaining negative pressure at all times during the process, properly abate asbestos from vinyl floor mastic, level floors as needed and perform necessary moisture testing, install vapor barrier, install new flooring and baseboard, install wall protection and handrails as needed, remove wallpaper, remove mold in affected areas, replace drywall as needed, remove and replace insulation as needed, remove existing acoustic ceiling eight foot from walls and install new acoustic ceiling system after remediation for these eight feet at the Miami Veterans Affairs Healthcare System. The estimated cost of this project is less than \$50,000.00 and the period of performance is 30 days or less.

4. Statutory Authority Permitting Other than Full and Open Competition:

Authorized or Required by Statute FAR 6.302-5.

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Authority under 38 USC 8127-8128 (Sections 502 and 503 of Public Law (P.L.) 109-461), FAR Part 6.302-5(b) (6), and VAAR 819.7007

Sole Source awards to service disabled veterans-owned small business concerns.

- (a) A contracting officer may award contracts to SDVOSB concerns on a sole source basis provided:
 - (1) The anticipated award price of the contract (including options) will not exceed \$5 million;
 - (2) The requirement is synopsised in accordance with FAR part 5;
 - (3) The SDVOSB concern has been determined to be a responsible contractor with respect to performance; and
 - (4) Award can be made at a fair and reasonable price.
- (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.

The anticipated award amount is less than \$50,000.00. It is anticipated that a special notice announcing the contract action will be posted to FEDBIZOPPs in Oct 2012. A separate determination of the contractor's responsibility has been made in accordance with FAR 9. A sole source award is proposed pending negotiation of a fair and reasonable price.

Megawattage Generator, Inc., is immediately available for the execution of the work. The contractor is an awardee of the MATOC South IDIQ Contract. The contractor has completed a 28,000 square foot healthcare facility in Worthington, Minnesota valued at \$1.8 million. The contractor will be performing work on the MVAHS' Hemodialysis Clinic and will be working on the Temporary Operating Room renovation project in the upcoming months. The CO is recommending an SDVOSB sole source to Megawattage Generator, Inc., based on the aforementioned.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable

While there are other contractors in Vetbiz.gov, a determination that only one SDVOSB concern is available to meet the requirement is not required per the authorities cited in paragraph 5.

The Contracting Officer has determined that Megawattage Generator, Inc., is qualified as a SDVOSB; and will provide superior construction services based on the company's past performance on various completed projects.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

Based on the authorities cited in this justification, a sole source award to subject contractor is proposed pending negotiation of a fair and reasonable price. It is expected negotiations with result in a cost which compares favorably to the independent Government Estimate.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

The VIP database was queried in accordance with VAAR 810.001, Market Research policy. Megawattage Generator Inc., is listed in the VIP database along with other multiple SDVOSB concerns.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

Per authorities cited in paragraph 5, the contracting officer's determination whether to make a sole source award is a business decision wholly within the discretion of the contracting officer.

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

Multiple SDVOSBs exist in the VIP database; however, 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. The CO has determined a sole source award is in the best interest of the VA.

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:

Any future SDVOSB sole source awards in the best interest of the VA will be rotated to other SDVOSB's determined responsible.

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.

546-13-1-6873-0002 – Molds And Asbestos Remediation, CLC Dining Room

Mike Williams

MICHAEL A. WILLIAMS
Maintenance Mechanic Supervisor
Miami V. A. Medical Center

Date *10/11/12*

Johnnie Jacobs Jr

JOHNNIE JACOBS JR
Contract Specialist
SAO East NCO- 8, Construction Team 1

10-12-2012
Date

Approvals in accordance with Public Law 109-461: Veterans First Program

- a. **Contracting Officer's Certification: (required)** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

EDWARD F. SCHUMAN

Contracting Officer
Construction Team 1 – Supervisor
Miami \ NF-SG \ Orlando
Network Contracting Office
Service Area Office – East\Department of Veterans Affairs

Date