

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 6 NCO, VA Medical Center, Hampton, Virginia
2. **Nature and/or Description of the Action Being Processed:** The Contracting Officer will negotiate a sole-source construction contract with M&S Concepts, Inc., a service-disabled, veteran-owned small business.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The contractor shall provide all labor, material, tools, equipment, transportation, and qualified supervision to perform the following work. Demolition of existing drywall, insulation, ceiling grid and debris including mold abatement. New work includes installation of approximately 250 sheets of 4' x 10' drywall, 2,250 linear feet of R-19 insulation, 1,000 linear feet of ceiling grid and 10,000 square feet of paint. The estimated cost of this work is \$35,506.00 with a performance period of ninety (90) calendar days.
4. **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;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

M&S Concepts, Inc., a verified service-disabled, veteran-owned small business (SDVOSB) was awarded Contract No. VA246-C-0738 Extend GIP Storage. This contract is a Design/Build contract and is currently active. It has been determined that additional work needs to be performed in this space to include additional work as described in Paragraph 3 above.

M&S Concepts, Inc. is already on site-performing work under the original Extend GIP Storage contract. Therefore, they are already mobilized on site with their own workforce as well as subcontractor employees. Substantial duplication in costs would be incurred if the project was competed and awarded to another firm. These would include mobilization costs and other costs associated with start up of a new project. M&S Concepts, Inc. and their subcontractors are already knowledgeable regarding the location of the space where the work will be performed as they are in

it already. Additionally another Contractor performing HVAC work will be delayed if this work is not completed quickly.

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

No other sources were sought.

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

The cost proposal received from the Contractor will be compared to the Independent Government Estimate (IGE). Any discrepancies or clarification issues will be discussed and negotiations will be conducted with the Contractor. This contractor has a proven track record of negotiating in good faith on modifications to contracts and new contracts conducted under the methods in PART 15. The Contracting Officer has no reason to believe that negotiations will not be successful.

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

No market research was performed. M&S Concepts, Inc. is currently on the site on other projects and in the current Extend GIP Storage space with their project superintendent and subcontractors. There will be no mobilization fees/costs incurred for start up of this project. Work must begin quickly so that the other contractor is not held up in performing their work. Therefore, it is anticipated that no other due contractor can submit pricing lower than what M&S Concepts, Inc. can complete the job for.

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

All facts supporting this proposed contract action are included in this Justification and Approval for other than Full and Open Competition.

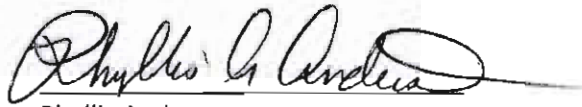
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

See Section VI above.

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**

All future projects will be reviewed by all the stakeholders to ensure that every aspect and requirement of the work shall be included in the scope of work and thus become part of a complete package.

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.



Phyllis Anderson  
Project Supervisor  
VAMC, Hampton, VA

10/15/12  
Date

**13. Approvals in accordance with FAR 6.304**

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



Jarrod January  
Contracting Officer  
NCO 6, VAMC Hampton, VA

11/2/12  
Date

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



James Wood  
Facilities Team Supervisor  
NCO 6, VAMC Hampton, VA

11/6/12  
Date