

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, NCO 12, VA Medical Center in Hines, IL
2. **Nature and/or Description of the Action Being Processed:** The VA Medical Center in Hines, IL has a need for a new Indefinite-Delivery Indefinite-Quantity (IDIQ) contract to award NRM and station level construction projects. Task orders awarded under the IDIQ will be awarded as firm-fixed-price actions. The period of performance will be one year and the contract will have a Not-to-Exceed amount of \$499,900.00. Task Orders will be issued between \$3,000.00 and \$499,900.00.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The VA Medical Center in Hines, IL has a requirement for NRM and station level construction projects for various types of work including, but not limited to, carpentry; asphalt and concrete paving; roofing; excavation; interior renovation; carpet, window, door installation; mechanical; electrical; plumbing; painting; and stucco; demolition; masonry; fire protection construction; telecommunications; and HVAC.
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):** VAAR 819.7007 as well as Public Law 109-461 allows a contracting officer 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. Although Lee & Ryan Inc. is not the only contractor found during market research, it has been determined in the best interest of the Government to award this contractor an IDIQ contract to award NRM and station level construction projects on a sole-source basis. Lee & Ryan Inc. has performed well on numerous other

similar projects at various VA locations and it is expected that they will provide a fair and reasonable price.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Due to the requirement in VAAR 819.7007(c) that when conducting a SDVOSB sole source acquisition, the Contracting Officer shall ensure businesses are registered and verified as eligible in the VIP database prior to making an award, a review was made in the VIP database of companies in WI, MN, and IL that were listed under NAICS Code 236220. Lee & Ryan Inc. was listed in the VIP database as verified, they have worked on contracts at various VA locations, and it is expected they will provide a fair and reasonable price therefore they are eligible for award. While this company was not the only company listed in the VIP database, per VAAR 819.7007(b), a determination that only one SDVOSB concern is available to meet the requirement is not required. Lee & Ryan has done construction work at VA facilities and their performance has been exceptional on similar kinds of projects that will be awarded under this IDIQ contract.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost will be considered fair and reasonable. The contract will be awarded utilizing negotiations. The contractor will be required to provide a coefficient based on RS Means which will be utilized on individual task orders. The Government will perform price analysis and the proposed coefficient will be compared to historical prices paid on previous contracts. Certified cost or pricing data is not expected to be required.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** See Section VI above.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The projects that will be awarded as task orders under this contract were expected to be awarded under the previous JOC, therefore the projects did not require specifications and drawings that would be required under an Invitation for Bids. Due to this, the projects do have the required documents available for competition on a project-by-project basis.
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:** For future NRM and station level construction projects, the VA is in the process of awarding a new \$5M JOC utilizing competitive procedures. The sole source contract requested is a short-term solution to address the current needs of the medical center. In accordance with Public Law 109-461, Lee & Ryan, a verified SDVOSB, is eligible for a sole source award.

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.



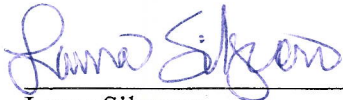
Brian Duce
Chief, Project Planning
VA Medical Center in Hines, IL

10/23/12

Date

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

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



Laura Silguero
Contracting Officer, NCO 12

10/23/12

Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.



Christine Hansen
Network Contract Manager, NCO 12

10/25/12

Date