

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VHA NCO 21 for VISN 21, Palo Alto Health Care System (VHPAHCS), requests approval of a Justification for Other Than Full and Open Competition for the requirement specified in 640-14-1-5057-0001
2. **Nature and/or Description of the Action Being Processed:**
This action limits competition for the acquisition of the various Environmental Health Permits to be issued by Santa Clara County for the VA Palo Alto Health Care System. NCO 21 intends to award a new indefinite delivery/indefinite quantity, fixed-price contract to obtain these permits.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**
The VAPAHCS requires an estimated 23 permits from the County of Santa Clara annually. This number may change as buildings are added or removed.

The estimated cost for FY 14 is [REDACTED] while the total cost is expected to be [REDACTED] over five years.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(1), as implemented by FAR 6.302-2:
(X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**
The authority cited in paragraph 4 must be used because the VAPAHCS is required to obtain these permits, and only the County of Santa Clara has the authority to issue them by law. Consequently, no other entities have the ability to fulfill the VA's requirement in this matter.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**
This requirement will be synopsisized in the GPE as required by FAR 5.201.

The synopsis will allow other offerors to respond; however, no offers are expected as only the County of Santa Clara has the authority to issue the required permits..
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

reasonable. A Price Negotiation Memorandum (PNM) will detail how the Government has determined that the anticipated costs will be fair and reasonable.

As this item has been determined to be commercial, cost or pricing data will not be required. Pricing techniques such as are described in FAR 13.106-3(2), will be used to establish price fairness and reasonableness.

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

The VA consulted Debasis Malakar, Industrial hygienist and Kevin Ho, Chief of Logistics, regarding this procurement. In addition, the VA reviewed Santa Clara County's website as well as Vetbiz.

Market Research indicates that only Santa Clara can provide these permits. Furthermore, there is a fee schedule located at <http://www.sccgov.org/sites/deh/Documents/DEHFeeSched.pdf>.

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

None identified

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

County of Santa Clara
1555 Berger Dr.
Bldg. 2 FL 3
San Jose, CA 95112-2716

See Section 6 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:

As these items are County-issued permits, there are no actions available to the VA to remove or overcome any barriers to competition.

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.


Name: 
Title: 
VA Palo Alto HCS

6/4/2013
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.



DANIEL E. CZECH
Contracting Officer
NCO 21

6/4/2013
Date

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



DON NEAL,
Supply Team Manager, NCO 21

6/4/13
Date