

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval for  
Other Than Full and Open Competition**

**Project - N/A  
CLC SHOWER PROJECT -- Miami VA**

**1. CONTRACTING ACTIVITY:**

Department of Veterans Affairs, SAO East, VISN 8, Miami Veterans Health System, Miami Group, Construction Team 1. This document is a Justification for Other Than Full and Open Competition against 2237 # 546-13-3-6813-0058.

**2. NATURE AND/OR DESCRIPTION OF THE ACTION:**

This procurement is for the renovation of the **CLC Shower Project**, which will be a firm-fixed-price award. Proposed award for this procurement is to **Pointer Construction**; a verified VetBiz Service Disabled Veteran Owned Small Business (SDVOSB) concern.

**3. DESCRIPTION OF SUPPLIES/SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS:**

This project is for a bid-build project necessary for construction. Contractor shall provide renovation of the **CLC Shower Project** at the VA Medical Center, Miami, FL. The independent government estimate is **\$123,800.00**.

**4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:**

Authorized or Required by Statute, FAR Part 6.302-5. *41 USC §253(c) (5) or 10 U.S.C. 2304(c)(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):**

Authorized by Statute under the authority of 38 U.S.C. 8127 and 8128 (Sections 502 and 503 of Public Law 109-461, December 22, 2006), 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 synopsized 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 \$150,000.00. A special notice announcing the contract action will be posted upon approval to FEDBIZOPPs. 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 & reasonable price.

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.

**Pointer Construction**, is a verified SDVOSB approved to provide services under the authority stated in Public Law 109-461 for NAICS code 236220. **Pointer Construction**; received their verification by CVE on 10/15/2012, and is registered in VetBiz.

**Pointer Construction**, has successfully completed numerous projects at numerous of the VA Medical facilities, all within stringent time constraints with excellent ratings by COTRs. It is expected the VA will realize reduced mobilization cost for the proposed awards. **Pointer Construction** has completed many projects here in Miami, it is also expected that the VA will realize reduced administrative cost by being able to award this requirement expeditiously. The Engineering Office has recommended to the Contracting Officer an SDVOSB sole source to **Pointer Construction** 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.

In accordance with Public Law 109461, Veterans First Contracting Program, the Contracting Officer is authorized to sole source to a Service Disabled Veteran Owned Small Business. This facility has developed an extensive cadre of contractors willing to compete for VA business with efforts made to rotate sole source requirements.

The Contracting Officer has determined that **Pointer Construction** is qualified as a SDVOSB; and will provide superior design and construction services based on the company's past performance on various projects completed at various other VA Medical Centers.

**7. DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE:**

Based upon past experience with this contractor, it is the Contracting Officer's determination that negotiations will result in a fair and reasonable price to the Government. The IGE amount is \$123,800.00.

**8. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS, OR A STATEMENT OF THE REASONS MARKET RESEARCH WAS NOT CONDUCTED:**

The Miami area has extensive availability of Service Disabled Veteran Owned Small Business design build construction firms with various capabilities. The VIP database was queried in accordance with VAAR 810.001, Market Research policy. **Pointer Construction**, is listed in the VIP database along with other multiple SDVOSB concerns. I anticipate reasonable pricing will be achieved by negotiating with this contractor.

**9. OTHER FACTS SUPPORTING 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. The CO has determined a sole source award is in the best interest of the Government.

**10. LISTING OF SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THIS ACQUISITION:**

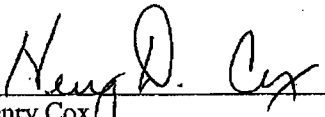
NONE.

**11. A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO COMPETITION BEFORE MAKING ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES REQUIRED:**

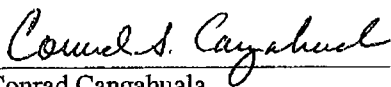
With continued growth in the SDVOSB program, we strive to set projects aside for competitive SDVOSB procurements. Any future SDVOSB sole source awards, in the best interest of the VA, will be rotated among other SDVOSB's determined to be responsible.

**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.

  
Henry Cox  
Maintenance Engineering  
Miami, FL

Date: 04/12/2013

  
Conrad Cangahuala  
Facilities Management Services  
Miami, FL

4/15/13  
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.

MELISSA A.  
KEENE 431300

Digitally signed by MELISSA A. KEENE 431300  
DN: dc=gov, dc=va, o=Internal, ou=people,  
ou=2342.19200300.100.1.1-melissa.keene2@va.g  
ov, cn=MELISSA A. KEENE 431300  
Date: 2013.05.03 15:07:18 -0400

Melissa Keene  
Contracting Officer  
Construction Team 1  
NF/SG, Miami and Orlando  
Network Contracting Office - 8

03 May 2013

Date

- b. **Product Line Supervisor (PLS):** <\$150,000.00 - I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Edward F. Schuman  
Contracting Supervisor  
Construction Team 1  
NF/SG, Miami and Orlando  
Network Contracting Office - 8

Date

- c. **DNCM/NCM:** >\$150,000.00 - I certify the justification meets requirements for other than full and open competition.

**Not Applicable for this requirement**

Raymond McCain  
Deputy Network Contract Manager  
Operations Support  
Network Contracting Office - 8

Date