

Attachment 1: Request for Limited Sources Memo Format

LIMITED SOURCES JUSTIFICATION

ORDER >\$3,000

FAR PART 8.405-6

2237 Transaction # or Vista Equipment Transaction #: 459-14-1-626-0002

This acquisition is conducted under the authority of the Multiple Award Schedule Program (see FAR 8.401). The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source: Provide original manufacturer's name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: Bowers + Kubota Consulting, Inc.

Manufacturer/Contractor POC & phone number: Dexter Kubota; 808.836.7787 / 808.833.1841

Mfgr/Contractor Address: 94-408 Akoki Street, #201, Waipahu, HI 96797

Dealer/Rep address/phone number: Same as above

☒ The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

3375 Koapaka Street, Suite F250

Honolulu, HI 96819

VISN:

21

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

This action limits competition for the acquisition of Professional Engineering Services (PES) in the area(s) of Construction Support Services for the Veterans Affairs Pacific Islands Health Care System (VAPIHCS), Facilities Management Services (FMES) Department located at 459 Patterson Road, Honolulu, HI, 96819.

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

Agencies utilize PES construction and project managers to recommend or manage the process over the project regardless of the project delivery method used. The Construction Manager assumes the position of a professional guide or extension of staff to the customer agency. The Construction Manager frequently helps the customer agency identify which delivery method is the best for the project. The construction management approach utilizes a firm (or team of firms) with construction, design and management expertise to temporarily expand the customer agency's capabilities, so that they can successfully accomplish their program or project. The Construction Manager also provides expert advice in support of the customer agency's decisions in the implementation of the project. GSA has identified the use of Professional Engineering Services (PES), which does not include architect-engineer services as defined in the Brooks Act and FAR Part 2. PES does not include design or construction services as defined in the Federal Acquisition Regulation Part 36 and Part 2. PES does not include Davis-Bacon Act work as described in Federal Acquisition Regulation Subpart 22.4. The services being offered are considered commercial services and have been deemed as "non-personal" services based on a legal review dated September 28, 2009, by former Staff Attorney, Matthew V. Edwards, and Regional Counsel, Suzanne Will.

(b) ESTIMATED DOLLAR VALUE: \$418,000/one (1) year

(c) REQUIRED DELIVERY DATE: 10/01/2013

(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.

☐ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

☐ A patent, copyright or proprietary data limits competition. The proprietary data is:

☐ These are "direct replacements" parts/components for existing equipment.

☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

☒ **IAW FAR 8.405-6(a)(1)(i)(C)** The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

Bowers + Kubota Consulting, Inc. is an established PES firm, located in Honolulu, HI, whose background consists being a Veteran Owned Small Business and an established FSS/GSA contractor. They have proven contractor responsibilities through other viable projects performed for the Veterans Affairs as well as other U.S. Government Agencies. They have been confirmed for the Determination of Responsibility. They offer a wide range of licensed and experienced of professionals who have worked on numerous government projects to include locations at the VAPIHCS, to include some of the Pacific Islands CBOC facilities, and Tripler Army Medical Center. Bowers + Kubota has several related functions that they are being utilized for; Project Management, Project Administration, and Project Record Keeping roles. None of the projects have been in relation to the design of or construction work related to real property. Bowers + Kubota is located within the Pacific Island region, in Honolulu, HI. They are capable of providing the services required at the level of quality required because the services are unique and highly specialized, and require additional knowledge associated with professional engineering services and local building codes within the state of Hawaii.

☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

This is an order placed against a VA FSS contract. IAW FAR 8.404(d), GSA already determines the prices of supplies and fixed-price services, and rates for services offered at hourly rates, under schedule contracts to be fair and reasonable. In addition, other FSS Published Price Lists in the same SIN Category (871 7) were compared to determine the best value; contractors within the Pacific region, and within reasonable proximity, were selected for comparison. Bowers + Kubota were about 4% less than the IGE and ranged from %4 - %5 less than other FSS/GSA schedule contractors in comparing the same labor categories. Bowers + Kubota's overall prices have only increased by 2% since Fiscal Year 2012's price list.

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

Please see P02- Market Research in ECMS briefcase.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

The VAPIHCS, (Honolulu, HI) Facilities Management and Engineering Services has utilized PES support in past years requirements. There is a bona fide need for the PES support contract. Without the assistance of these professionals, it would be impossible to make contract awards for new construction and renovation projects that are vital for patient care without adequate PES manpower. The current PES services are being requested due to the large volume of planned projects that require strict deadlines under the constraints of low operations in manpower. Contracting PES services will assist in meeting these deadlines. There are currently approximately 40 NRM (short-term) projects that are active at the VAPIHCS, Honolulu, HI, Facilities Management and Engineering Services. These projects can range in duration from 3 months to a couple of years and are ideal for contract support because they are relatively short in duration and multiple projects can be managed by one individual. The normal compliment of authorized engineers would be able to handle this workload, once placed/hired, but still there has been a significant increase in Minor (long-term) Construction Projects. These projects are normally 3-4 years in duration and are significantly more complex; these projects are longer in duration, but are temporary. In FY14, the Facilities Management and Engineering Services will have 5 active Minors projects in conjunction with the 40 NRM projects. Each Minor project justify having one dedicated engineer, and the department has only four (4) permanent VA staffed individuals. The ratio for dedicated engineering staff is outnumbered to current workload, but being fully staffed would only be necessary temporarily until the overall projects are completed. The Minor workload will decrease in a few years, so if we hire 9 engineers for our current workload, in a few years, when the Minors are complete, we will be overstaffed. Utilizing temporary contracted support will help us with our current staffing shortfalls as well as assist with the increased workload while we manage these Minors projects.

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

Better acquisition planning of construction projects will be taken into consideration to give more lead time on establishing a wider range of contractors who may be able to comply with this requirement as a follow-on requirement.

(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

N. H. Dorsey

08/28/2013

SIGNATURE

DATE

Nicole H. Dorsey

Contract Specialist

Services

NAME

TITLE

SERVICE LINE/SECTION

459

FACILITY

(10) APPROVALS IN ACCORDANCE WITH FAR 8.405-6(d):

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Mark Mikus

9-9-13

CONTRACTING OFFICER'S SIGNATURE

DATE

Mark Mikus

NAME AND TITLE

FACILITY

c. NCM/PCM/DESIGNEE: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Mark Mikus

9-9-13

SIGNATURE

DATE

Mark Mikus

NAME

VISN 21 NCM/PCM