

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

Department of Veterans Affairs, Veterans Health Administration (VHA), Program Contracting Activity Central (PCAC).

The proposed procurement, Invitation For Bid (IFB) VA701-14-B-0154 is for the construction of a new Combined Heat and Power (CHP) Plant at the Atlanta, GA VA Medical Center.

2. Nature and/or Description of the Action Being Processed:

This justification is to support the construction of a new CHP Plant at the Atlanta, GA VA Medical Center that will be awarded as a firm-fixed price contract. This justification is for other than full and open competition for the procurement of certain construction materials. The use of a particular brand name for the items listed below accommodates standardization of these items throughout the facility.

- a. American Hydrotech Green Roof Systems
 - i. American Hydrotech
- b. Hydrotech Garden Roof Assembly
 - i. Hydrotech USA
- c. Freeney Lightline Curve Canopy
 - i. Manufacturer: Freeney Inc.
- d. Fire Alarm System
 - i. Manufacturer: Siemens

3. Description of Supplies/Services Required to Meet the Agency's Needs:

This procurement is to construct a new Combined Heat & Power Plant at the Atlanta VA Medical Center. The scope includes everything necessary to construct a functional building that meets the requirements of the Department of Veterans Affairs. There are four (4) brand name items listed for which the VA is not able to accept an equal or alternate item. The value of each item is listed below and the magnitude of the entire project is between \$20,000,000.00 and \$50,000,000.00.

- a. American Hydrotech Green Roof Systems
 - i. American Hydrotech
 - ii. Estimated Cost: [REDACTED]
 - iii. Unique Qualifications: There is no other off-the-shelf system of products that has the successful track record of this roof assembly. The assembly consists of a tested roofing membrane, engineered soils and drainage systems, and design details that have been proven over time. The warranties will be honored utilizing this system approach rather than approaching the installation in a piecemeal manner if other manufacturers are specified. Repairs to vegetated roofs are expensive so using a source under full warranty is a significant cost savings.
- b. Hydrotech Garden Roof Assembly
 - i. Hydrotech USA
 - ii. Estimated Cost: [REDACTED]
 - iii. Unique Qualifications: Complete engineered system for green roof installations, including the protected roof membrane system.

- c. Freeney Lightline Curve Canopy
 - i. Manufacturer: Freeney Inc.
 - ii. [REDACTED]
 - iii. Unique Qualifications: Canopy system using unique design and materials. No similar product exists. The canopy also has a unique appearance. A custom fabrication would be required to meet these characteristics at a greater cost to the project.
- d. Fire Alarm System
 - i. Manufacturer: Siemens
 - ii. Estimated Cost: [REDACTED]
 - iii. Unique Qualifications: Existing fire alarm system is Siemens. A proprietary system will allow detailed communications to the existing fire alarm system.

4. Statutory Authority Permitting Other than Full and Open Competition:

(X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1; 41 USC §253(c)(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):

All of these items have been standardized throughout the Atlanta VA Medical Center. Installing different manufacturer systems will create significant duplication in cost for the facility, and in some cases the equipment will not function properly. The specific impact for not using the brand name items is listed for each item below:

- a. American Hydrotech Green Roof Systems
 - i. American Hydrotech
 - ii. Potential Impact: Green roof system failure, drainage issues, roof and building damage, loss of vegetation.
- b. Hydrotech Garden Roof Assembly
 - i. Hydrotech USA
 - ii. Potential Impact: Possible incompatibilities between components in green roof systems.
- c. Freeney Lightline Curve Canopy
 - i. Manufacturer: Freeney Inc.
 - ii. Potential Impact: A heavier design solution requiring additional structural support.
- d. Fire Alarm System
 - i. Manufacturer: Siemens
 - ii. Potential Impact: Fire alarm reporting from the CHP to the existing main fire alarm panel would be generic i.e. Alarm in CHP, trouble in CHP, instead of detailed reporting, i.e. Alarm in CHP 1st floor pull station, trouble with smoke detector on 3rd floor CHP, etc.

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

In accordance with the Competition in Contracting Act (CICA), the components listed above are identified as brand name; however, the overall procurement will be competed as Full and Open. This Justification For Other Than Full and Open Competition will be posted to Federal Business Opportunities with the solicitation.

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

The design was completed by URS Group, Inc. (URS) of Atlanta, GA. URS provided a complete government estimate. The anticipated price to the Government for the items requested to be brand name is approximately [REDACTED].

The items for which brand name approval is being requested are subsequent components to the overall construction project. This procurement will be competed and based on competition; the Contracting Officer will make a determination of fair and reasonable pricing prior to award.

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

The market research for the design and equipment was conducted URS to secure the secure prices for the government estimate, and was shared with the Contracting Officer and Contracting Officer's Representative for further review. The Contracting Officer and Contracting Officer's Representative were in concurrence with information provided in the estimated that supported the brand name items. These sources have been identified by URS as a result of Task Order VA701-13-J-0086 to design the Combined Heat and Power Plant. Approval of these items as brand name only is critical for the overall efficiency of the completed project and the Atlanta facility as a whole.

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

All the specifications and drawings associated with this project have been developed identifying the four (4) brand name items as requirements for the project.


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

Not applicable. It is the responsibility of the bidders and the general contractor awarded the project to locate suppliers and obtain pricing for all bidding materials and components, including the items listed in this justification.

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:

There will be competition for the overall procurement. It will be the responsibility of the bidders to obtain pricing from the suppliers of the items and to submit a competitive bid for the project.

- 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.

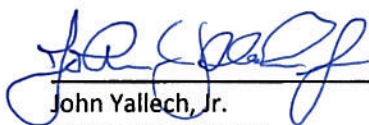


Robert Harris
Atlanta Energy Manager

15 June 2014
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.



John Yallech, Jr.
Contracting Officer
Program Contracting Activity Central

6/24/2014
Date

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



Richard Dahmen
Director of Contracting
Program Contracting Activity Central

6/25/14
Date