

Department of Veterans Affairs

Justification for Other than Full and Open Competition Improvement to Boiler Controls for Energy Efficiency, Project 578-14-023

1. Contracting Activity:

The Department of Veterans Affairs, Great Lakes Acquisition Center (GLAC), NCO-12, Southern Tier Construction Team, 3001 Green Bay Road, North Chicago, IL 60064.

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

The GLAC , NCO 12, Southern Tier Construction Team has a requirement to provide a construction contract to Improve Boiler Controls for Energy Efficiency for Building 5, Project Number 578-14-023, located at the Edward Hines, Jr. VA Hospital (Hines VAH), Hines IL. This will be a firm fixed price contract with a Service disabled Veteran Owned Small Business (SDVOSB) to improve boiler controls for energy efficiency, to provide and integrate with the existing controls the components described in the SOW to improve boiler controls.

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

The contractor will provide all labor, materials, tools, transportation and qualified supervision to perform all work associated with project entitled "Improvements to Boiler Controls for Energy Efficiency." Performance shall be in accordance with the project statements/scope of work, the specifications, drawings and the terms and conditions of the contract. Period of performance for this project is for one hundred and eighty (180) calendar days from receipt of Notice to Proceed. The Independent Government Estimate (IGE) is \$69,532.00.

All the added controls need to be fully integrated with the existing controls, and contractor to provide training on Operation & Maintenance to Hines VAH Personnel.

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

The statutory authority permitting the sole sourcing of this procurement is FAR 6.302-5(6) and the Veterans Benefits Act 2003 (15 U.S.C. 657f). The Veterans Benefits Act 2003 (15 U.S.C. 657F) procurement program provides that federal contracting officers may restrict completion to SDVOSBCs and award a sole source or set-aside contract where certain criteria are met.

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Public Law 109-461 and VAAR 819.7007 allows a contracting officer to make a sole source award as a business decision within the business discretion of the Contracting Officer. Although Master Design Build, LLC, is not the only SDVOSB contractor, it has been determined in the best interest of the government to award this contractor a sole

source contract in order to meet project goals. Master Design Build, LLC is registered as a CVE verified SDVOSB in the VetBiz Registry. They have performed well on previous contracts at Hines VAH and have extensive knowledge of Hines VAH infrastructure and can meet the timelines required for this project.

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

There were no other vendors considered, as it is in the best interest of the Government to award this contract as a sole source award and is authorized by statute, VAAR Part 819.7007 and 819.7008 Sole Source Awards to SDVOSB and US Code 8127 (c).

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

A detailed price breakdown will be provided by the contractor in reply to the Request for Proposal solicitation. The Government will perform price analysis and pricing will be evaluated to determine that the proposed price is fair and reasonable and reflects reasonable value.

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

The VetBiz Registry results for NAICS Code 236220 found 87 matches for SDVOSB firms in Illinois. Therefore, it is my determination that competition would exist if the requirement is set aside for Service Disabled Veteran Owned Small Business (SDVOSB). Although there is other CVE certified SDVOSB firms listed under the applicable NAICS code, it is the Contracting Officer's determination that it is in the best interest of the Government to procure Master Design Build, LLC services as sole source procurement.

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

Full and Open Competition need not be provided when awarding a sole-source to an SDVOSB concern as stated by statute P.L 109-461 Sec. 602 as codified in 38 U.S.C. §8127(c).

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

None

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:

The NCO 12 GLAC Southern Tier Construction Contracting Team is currently developing a Multiple Award Task Order Construction Contract (MATOC) that is scheduled to be solicited and awarded by the end of the 4th Quarter Fiscal Year (FY14). The MATOC will be set aside for SDVOSB per PL 109-461, and be conducted as a best value competition for all qualified and certified SDVOSB.

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.

Min Chung
Assistant Chief Project Planning
Edward Hines Jr. VA Hospital

Date

13. Approvals in accordance with FAR 6.304

a. **Contracting Specialist's Certification (required):**

I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

DONNA L. HIRTH 330377  Digitally signed by DONNA L. HIRTH
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o=internal, ou=people,
0.9.2342.19200300.100.1.1~donna.hirth@va.gov, cn=DONNA L. HIRTH
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Date: 2014.05.05 12:52:43 -0500

Donna Hirth
Contract Specialist
Southern Tier Construction Team
VISN 12 Great Lakes Acquisition Center (GLAC)

Date

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

Mack Taylor
Contracting Officer

Date

- c. **NCM/PCM (Required \$150K and above):** I certify the justification meets ~~requirements for other than full and open competition.~~

Christopher J. Grubbe
Southern Tier Construction Team Manager

Date