

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A) For Other Than Full and Open Competition

1. **Contracting Activity:**

Department of Veterans Affairs, NCO 8, Orlando VA Medical Center, 5201 Raymond Street, Orlando Florida, 32803.

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

- (a) Project Number: 675-14-809
- (b) Title: Repair Drainage and Service Door Access –Lake Nona Central Energy Plant.
- (c) North American Industry Classification System (NAICS) Code: 236220, Commercial and Institutional Building Construction.
- (d) Type Contract: Firm-Fixed (Construction)
- (e) Vendor Proposed for contract award: Blue Cord Design and Construction, LLC (BCDC) Data Universal Number (DUNS) Number: 833109593
- (f) Service Disabled Veteran Owned Small Business (SDVOSB) concern status: Status Verified via VetBiz.
- (g) Total Estimated Construction Cost is not expected to exceed \$150,000.00.

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

This is a design-build construction project that requires the contractor to submit an approved design for construction. The design and construction performed by the contractor must meet exact criteria specified in the Department of Veterans Affairs Technical Information Library (TIL) and/or relevant industry standards for healthcare facilities. The design is required to be verified by a Certified Independent Third Party Professional. The essential task elements of this project requires the contractor to remove a layer of existing soil and provide a new reinforced concrete pad to direct runoff towards existing drains. The contractor shall design and construct a reinforced concrete driveway capable of supporting heavy vehicles such as forklifts and utility trucks. This project will also provide new ramps at the Service doors of the Lake Nona Central Energy Plant. The area where work is to be performed is located between the Central Energy Plant and the plant's cooling towers. The estimated delivery of design and construction services is 63days from issuance of the notice to proceed.

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

The statutory authority permitting Other Than Full and Open Competition for this requirement is 38 USC 8127-8128 (Sections 502 and 503 of Public Law (P.L.) 109-461), FAR Part 6.302-5(b) (6), and VAAR 819.7007.

5. **Demonstration that the Contractors Unique Qualification or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority).**

Authority under 38 USC 8127-8128 (Sections 502 and 503 of Public Law (P.L.) 109-461), 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 synopsisized 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.
- (c) Additional information to support the basis for this action:
- (1) The estimated award amount for this project is between \$25,000.00 and \$150,000.00.
 - (2) A special notice announcing the contract action will be posted to FEDBIZOPPs as required per VAAR 819.7007.
 - (3) The approved J&A document will be posted to FEDBIZOPPs within 14 days after award as per FAR 6.305.
 - (4) The award synopsis will be posted to FEDBIZOPPs per FAR 5.301(a) (2).
 - (5) A separate determination of the contractor's responsibility has been made in accordance with FAR Part 9.
 - (6) A sole source award is contingent upon approval of this J&A and negotiation of a fair & reasonable price.
 - (7) Blue Cord Design and Construction has successfully completed projects similar in size and scope of this project within the VA Healthcare Network.
 - (8) Blue Cord Design and Construction has three or more past performance evaluations verified in Contract Performance and Evaluation System (CPARS) that are rated OUTSTANDING.
 - (9) This requirement was initially solicited to Blue Cord Design and Construction under Orlando Construction Task Order Contract VA248-C1866, Task Order Proposal Request (TOPR) VA248-15-J-0043. The task order could not be awarded because Blue Cord's total proposed price to perform the work exceeded the base contract dollar threshold. Because this project is still a valid requirement, the Contracting Officer determined it is of a sound business practice to sole source the requirement to Blue Cord. Specifically, the majority of the design and estimating work has already been performed by Blue Cord. In addition, significant time and effort will be expended to solicit the requirement to the open market.
 - (10) The Contracting Officer is recommending an SDVOSB sole source to Blue Cord Design and Construction is based on the aforementioned information.

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

A notice of proposed contracting actions VA248-14-1795 was posted on FBO February 10, 2015. There no responses received to date. The Government will continue to perform market research to identify alternate sources with Design and Construction capabilities to correct draining problems. The Government will take aggressive action to compete future requirements among responsible SDVOSB vendors.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The anticipated cost will be considered fair and reasonable

based on an acceptable technical evaluation and price analysis of Blue Cord's proposal. A comparative analysis technique will be used in accordance with FAR 15.404-1(b) (2) (v). Price analysis will be performed by examining and evaluating proposed price without evaluating its separate cost elements. Proposed profit evaluated in accordance with acceptable proposal analysis technique. Adequacy of proposed materials, labor, equipment and supervision to perform the requirement will be evaluated by the technical team. Significant differences in the contractor's proposal and the IGCE will be documented with sound basis and rationale for acceptance.

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

Market research performed which focused not only on identifying alternate sources, but also on alternate equipment or substitutes that might fill the government needs with only minor modification. In conducting market research, the VA contracting team used the VIP database, at <http://www.VetBiz.gov> in accordance with VAAR 810.002—Market Research Procedures. The results reflect that there are numerous SDVOSB vendors capable of performing this requirement. The Contracting officers recorded VIP queries as on file.

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

Per the authorities cited in paragraph 5, the Contracting Officer's determination whether or not to make a sole source award is a business decision wholly within the discretion of the Contracting Officer's authority. The majority of the design and estimating work has already been performed by Blue Cord. In addition, significant time and effort will be expended to solicit the requirement to the open market. This approach outweighs a reasonably priced, efficient sole source acquisition to a responsible SDVOSB concern.

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

Multiple SDVOSB concerns exist in the VIP data base; however, the Contracting Officer determination 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 Contracting Officer has determined a sole source award is in the best interest of the Government.

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 Agency will continue to promote competition amongst responsible SDVOSB firms. In addition the practice of making sole source awards to as many responsible SDVOSB firms as practicable will continue.

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.

[REDACTED]

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.

[REDACTED]

- b. **Product Line Supervisor:** I certify the justification meets requirements for other than full and open competition.

[REDACTED]