

DEPARTMENT OF VETERANS AFFAIRS  
VISN 2 Network Contracting Activity, Bath, New York  
DETERMINATIONS AND FINDINGS

For

Solicitation VA528-15-B-0081

Project 528A5-15-507, Roof Repair, B-34 at the VA Medical Center, Canandaigua, New York

In accordance with FAR 1.7 Determinations and Findings (herein after referred to as "D&F") this document sets forth enough facts and circumstances to clearly and convincingly justify the specific determination made to cancel Solicitation VA528-15-B-0081. All bid prices are well above the independent government estimate and cannot be deemed fair and reasonable as determined by VA Contracting Officer, under Federal Acquisition regulation 14.404-1(c)6.

FAR 1.704 Content of a Determinations and Findings:

(a) **Agency:** US Department of Veterans Affairs, SAO East, Network Contracting Office 2, 400 Fort Hill Avenue, Canandaigua, New York 14424.

(b) **Nature and/or Description of the Action Being Approved:** Cancel solicitation VA528-15-B-0081, Roof Repair, B- 34 at VAMC, Canandaigua New York without award of Solicitation VA 528-15-B-0081.

(c) **Citation of the Appropriate Statute and/or Regulations Upon which the D&F is Based:** Pursuant to the authority for Federal Acquisition Regulations 14, Sealed Bidding and Veterans Affairs Acquisition Regulations 814.1 Use of Sealed Bidding, and per FAR 14.404-1(c)6.

(d) **Findings that Detail the Particular Circumstances, Facts or reasoning Essential to Support the Determination:** The six (6) bid responses, in response to solicitation VA528-15-B-0081, have been determined to be not fair and reasonable. Thus, the Contracting Officer recommends cancellation of the IFB in accordance with FAR 14.404-1(c)(6) Cancellation of Invitations After Opening. The low bid price of \$275,777.00 was approximately 49% higher than the project cost estimate of \$141,149 making price excessive and over available funding amounts. The VA has budgeted \$141,149 for this project and with the low bid being 49% higher the funds are not currently available to support award at \$275,777.00.

Chronology of Major Events:

1. Solicitation IFB VA528-15-B-0081, Roof Repair, B-34, was issued on February 10, 2015 as a SDVOSB set-aside for VAMC, Canandaigua New York. The pre-solicitation notice was issued 15 days prior to issuing the solicitation.
2. Bids were opened on March 17, 2015 at a public bid opening.
3. Six bids were received ranging in price from \$275,777.00 to \$475,613.00
4. The Independent Government Cost Estimate (IGCE) for the procurement is \$141,149.00.

The VA immediately began to evaluate the bid. On March 16th, 2012 a bid verification was received from Welch Construction, the low bidder, which included non-certified pricing data at the Contract Specialist's request. The price breakdown was evaluated in accordance with VAAR, FAR, agency policy and criteria shown in the solicitation.

The detailed price breakdown was compared with the Government estimate. The COR was asked to review their estimate to see if a mistake was made during design and putting together the estimate. After review, they concluded that no errors were made. With the bids coming in well above the Government estimate, the Contracting Officer seeks to cancel the solicitation and VA Engineering does not recommend award.

VA Engineering Service recommended not to award with the bids being well above the Government estimate and concur with the Contract Specialist's determination that the bid prices were not fair and reasonable. Both the VA Engineering staffs as well as the Contracting Officer agree that it is in the best interest of the Government to Cancel the Solicitation.

**(e) A determination, based on the findings, that the proposed action is justified under the applicable statute or regulation.**

In accordance with FAR 14.404-1(c)(6) Cancellation of Invitations After Opening and the findings in Paragraph (f) this action is justified.

**(f) Expiration Date of the D&F if Required:** There is no expiration date of this Determination and Findings and no expiration date is required per Federal Acquisition regulations 1.706.

**(g) The Signature of the Officials Authorized to Sign the D&F:** Below are the signatures of the officials authorized to sign and approve this Determination and Findings and the date Signed.

Mark D Simonson  
193636

Digitally signed by Mark D Simonson 193636  
DN: dc=gov, dc=va, o=Internal, ou=people,  
0.9.2342.19200300.100.1.1=mark.simonson@va.gov,  
cn=Mark D Simonson 193636  
Date: 2015.04.23 08:52:14 -04'00'

Mark D. Simonson, Contracting Officer

\_\_\_\_\_

Date

Jason V White 204470

Digitally signed by Jason V White 204470  
DN: dc=gov, dc=va, o=Internal, ou=people,  
0.9.2342.19200300.100.1.1=jason.white@va.gov, cn=Jason V  
White 204470  
Reason: I agree to specified portions of this document.  
Date: 2015.04.23 10:25:38 -04'00'

Jason V. White, Facilities Branch Chief

\_\_\_\_\_

Date

MARY ELLEN HAEFNER  
341690

Digitally signed by MARY ELLEN HAEFNER 341690  
DN: dc=gov, dc=va, o=Internal, ou=people,  
0.9.2342.19200300.100.1.1=maryellen.haefner@va.gov, cn=MARY  
ELLEN HAEFNER 341690  
Date: 2015.04.23 14:03:04 -04'00'

Mary Ellen Haefner, Proc. Analyst/VISN QA Reviewer

\_\_\_\_\_

Date

Cherie Widger-Kresge 336226

Digitally signed by Cherie Widger-Kresge 336226  
DN: dc=gov, dc=va, o=Internal, ou=people, 0.9.2342.19200300.100.1.1=cherie.widger-  
kresge@va.gov, cn=Cherie Widger-Kresge 336226  
Date: 2015.04.23 14:10:08 -04'00'

Cherie Widger-Kresge, Network Contract Manager VISN 2 NCO

\_\_\_\_\_

Date

Delia A. Adams

Delia A. Adams, Acting Director, Service Area Office (SAO) East

4-27-15

Date

Norbert S. Doyle

Norbert Doyle, Chief, Procurement and Logistics Office (PLO)

5/4/15

Date