

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval For Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Service Area Office (SAO) East, Network Contracting Office 8, Construction Team 2, VISN 8, VA Caribbean Healthcare System (VACHS-00672), San Juan, Puerto Rico. This document is a Justification for Other than Full and Open Competition for purchase request (PR) No. 672-15-358-0026. For Construction Period Services for Project No. 672-12-123 project title: *Replace Steam Condensate Pipes & Trap Monitoring System* to be performed at VA Caribbean Healthcare System, San Juan, PR 00921-3201. [Correct VAF 2237 number is 672-15-2-358-0026 RFC, CO 6-May-2015]
2. **Nature and/or Description of the Action Being Processed:** This is a procurement to obtain construction period services. The A/E will be responsible provide inspection submittals' evaluation and as built services in accordance with scope submitted under the construction documentations for the Project No. 672-12-123 project title: *Replace Steam Condensate Pipes & Trap Monitoring System*.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This construction period services contract is to provide all necessary site inspections evaluations submittal evaluation and as built services in accordance with scope submitted under the construction documentations for the Project No. 672-12-123 project title: *Replace Steam Condensate Pipes & Trap Monitoring System*. The estimated cost of this service is \$23,463.64 as provided by JLG.
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;
 - () (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):**

Only One Responsible Source (FAR 6.302-1)

As the designated A/E firm JLG has successfully completed the design drawings for the *Replace Steam Condensate Pipes & Trap Monitoring System* project Contract No. VA248-12-J-4567. In addition, the design firm prepared and submitted construction documentation for the 672-12-123 project: *Replace Steam Condensate Pipes & Trap Monitoring System*.

Accordingly, JLG is the only firm capable of providing the A-E services and JLG are professional liable for the services described in line item 3 as shown above, without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements. Awarding Contract Period services to another A/E design firm other than the original A/E will duplicate cost and efforts, because no other designer will assume responsibility for a design that wasn't originally developed by the firm unless a design review takes place, in addition the review will not guaranty that the new A/E will maintain the original scope of the design and cost causing possible changes on an already

awarded contract.

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

As per line item 5 a professionally sealed design construction documents makes its creator reliable for the design, If construction validation of design is issued to another firm the firm will not assume liability, unless the design is reviewed and sealed by new firm, this will double the efforts and costs. This effort may imply into design and scope of work changes and for that reason no efforts were made to insure other sources are interested in soliciting.

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

The anticipated award amount for this requirement is \$23,463.64. Based upon past experience with this contractor, it is the Contracting Officer's determination that negotiations will result in a fair and reasonable price that compares favorably with the Independent Government Estimate. Proposal analysis will be performed in accordance with FAR 15.404-1 to ensure that the final agreed-to price is fair and reasonable.

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

Please refer to line items 5 and 6.

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

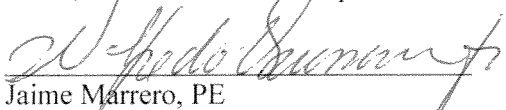
Per authorities cited in line item 5, the Contracting Officer's determination whether to make a sole source award decision wholly within the discretion of the Contracting Officer. The Contracting Officer has determined and recommended that a sole source award is in the best interest of the Government.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See line item 6 above.

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:**

In order to avoid this particular type of competition barrier all design services must and will include Construction Period Services at all times in the future procurements.

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.


Jaime Marrero, PE
Chief, Facilities Management Service (FMS)
VACHS

17 MAR 2015
Date

13. **Approvals in accordance with FAR 6.304:**

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

Rey F. Clemente
Contracting Officer, Construction Team 2
Network Contracting Office – 8
Service Area Office East

6-May-2015

Date