

DEPARTMENT OF VETERANS AFFAIRS

Class Justification and Approval

For

Other Than Full and Open Competition

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 3, VA NY Harbor Healthcare System transaction # 630-15-2-7902-0029
- 2. Nature and/or Description of the Action Being Processed:** New firm-fixed-price contract for architect-engineer services.
- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** Project#630A4-10-442, Upgrade Main Electrical Switchgear at the Brooklyn VA Medical Center. Construction Period Services including Site Visits, Submittal, meeting, inspection, report, As-Built Drawings. Estimate A/E service cost is \$50,088.00.
- 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):**

A procurement package was submitted through eCMS Planning Module and an electronic form 2237 has been entered and approved for this project. The contract should be on sole source basis on Goldman Copeland Consulting Engineers for the following reasons:

- a. The Statement of Work requires the Architect-Engineer (A/E) to act in an advisory and consultant capacity to the Contracting Officer. The A/E, when requested, shall assist the Contracting Officer and his/her Resident Engineer to interpret the Construction Documents and shall recommend any actions he seems suitable for the satisfactory prosecution of the construction work; prepare any supplemental drawings, specifications or other documents that may be required to clarify or supplement the Construction Documents; and assess the preparation of Construction Contract Modifications initiated by or through VA to be executed in accordance with the Construction Documents.
- b. The Statement of Work requires the A/E to check Government furnished and/or the Construction Contractor's shop drawings, detail drawings, schedules, descriptive literature and samples, testing laboratory reports, field test data and review the color, texture and suitability of materials for conformity with the design concept and Construction Documents. The A/E shall recommend approval, disapproval, or other suitable disposition. The A/E shall notify the Resident Engineer in writing of any and all deviations from the requirements of the Construction Documents that he/she has found in the Construction Contractor's submittals. During the Construction Period, the A/E shall make visits to the Project site. The A/E shall observe the construction and advise the Resident Engineer of any deviations or deficiencies.
- c. The Statement of Work requires the A/E, for a period of one (1) year after final payment, to furnish advisory or consulting services, which are normal to such a professional contract and necessary to assure the proper functioning of elements of the A/E design.
- d. Goldman Copeland Consulting Engineers prepared the Construction Documents for Project No. 630A4-09-442, Upgrade Main Electrical Switchgear under Contract No. VA243-P-0220 and has unique capabilities to provide the unique services required under this contract. Specifically, Goldman Copeland Consulting Engineers has the unique capabilities to interpret the Construction Documents; to prepare any supplemental drawings, specifications or other documents that may be required to clarify or supplement the Construction Documents. In summary, Goldman Copeland Consulting Engineers will be the only source for these unique services and no other supplies or services will satisfy agency requirements.

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

Given that it would be highly unusual for another design professional to take on the aforementioned responsibilities, which are generally incidental to an overall agreement for preparation of plans and specifications, it was determined that soliciting from additional sources would not be practicable.

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

It is expected that award can be made at a fair and reasonable price. The basis for this determination will be comparison of the proposed price with the independent Government cost estimate.

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

Market research was not conducted because, for the reasons stated above, there is only one responsible source and no other supplies or services will satisfy agency requirements.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: None.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: See Section 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: No actions are planned because this is an unusual requirement associated with cancellation of an appropriation and there is no anticipated need for subsequent acquisition for the unique services required.

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.

Name

Date

Title: COR, NY Harbor HCS, Brooklyn Facility

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.

Name

Date

Title Administrative Contract Specialist

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

Name

Date

Title Network Contract Manager

- c. **SAO (If over 500K):** I certify the justification meets requirements for other than full and open competition.

Name
Director
Service Area Office, East

Date

VHA HCA Review and Approval: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$10million) or approve (\$500K to 10 million) for other than full and open competition.

Name
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

Date

- d. **VA Deputy Senior Procurement Executive Approval (over \$10 million but not exceeding \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Deputy Senior Procurement Executive (DSPE)
Office of Acquisition and Logistics
Department of Veterans Affairs

Date

- e. **VHA Senior Procurement Executive Approval (over \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

Date