

JUSTIFICATION  
FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
23 Christopher Way  
Eatontown, New Jersey 07724
  
2. Description of Action: This proposed sole source action is for a firm-fixed-price contract with the National Institute of Building Sciences (NIBS) located at 1090 Vermont Avenue, NW, Suite 700, Washington, DC 20005-4950 for the renewal of Project Extranet (ProjNet) DrChecks software subscriptions.
  
3. Description of Supplies or Services: ProjNet is an internet-based service that allows the secure exchange of design and construction information among authorized business partners. ProjNet software is used by the VA Office of Construction and Facilities Management (CFM) to provide secure business process-based information exchange amongst all tiers of designers, consultants, builders, suppliers, and manufacturers to allow CFM to manage its design reviews of construction projects. The DrChecks component of the ProjNet software suite supports the identification and resolution of issues related to designs and other documents. The required DrChecks software subscription renewals consist of three "small" licenses (1-20 projects per year) and one "large" license (41+ projects per year). The three small licenses are currently in use at CFM locations in Silver Springs, Maryland, North Chicago, Illinois, and Mare Island, California. The one large license is currently used at VA headquarters in Washington, District of Columbia (DC). DrChecks software subscriptions provide access to the software, access to webinar software training, and call center support for account registration, login, password, and other general questions. The period of performance for all four DrChecks software subscriptions is 12 months plus two 12-month option periods, if exercised. The total estimated value of this procurement is [REDACTED] (inclusive of options).
  
4. Statutory Authority: The statutory authority permitting other than full and open competition is 41 U.S.C.3304(a)(1) as implemented by the Federal Acquisition Regulation (FAR) 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."
  
5. Rationale Supporting Use of Authority Cited Above: Congress authorized the establishment of the NIBS through the Housing and Community Development Act of 1974, Public Law 93-383, to provide advice to the public and private sectors with respect to building science, technology, and regulatory issues. This legislation also authorizes federal agencies and departments to "contract with and accept contracts from the Institute for specific services where it is deemed appropriate by the responsible Federal official involved." Based on market research, as described in

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section 8 of this justification, it has been determined that only the NIBS is capable of providing the aforementioned DrChecks software subscription renewals.

Initially, DrChecks was developed and maintained by the United States Army Engineer Research and Development Center (ERDC), Construction Engineering Research Laboratory (CERL) under Patent Application No. 20090063177 entitled, "Web-Based Services Enabling Structured Secure Communication Related to the Design and Management of Projects." The current ProjNet software suite (including DrChecks) is maintained through a Cooperative Research and Development Agreement between the United States Army Corps of Engineers (USACE) ERDC CERL and the NIBS. Access to the ProjNet suite is administered through a license agreement between the United States of America, as represented by the Secretary of the Army, and the NIBS. Furthermore, and most critical to the sole source rationale, VA CFM entered into an Interagency Agreement (IAA) to coordinate major construction projects with USACE under IAA number VA101-F-15-M0005; and USACE regulation 1110-1-8159 mandates the use of DrChecks for all projects requiring design review. Therefore, without renewal of its DrChecks subscriptions, VA CFM will not be able to coordinate its construction projects with the USACE. No other software or service offers compatibility with DrChecks or the ProjNet software suite; therefore NIBS provides software with unique capabilities and characteristics that are not available from any other source.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. There is no competition anticipated for this acquisition. Additionally, the proposed action will be synopsised on the Federal Business Opportunities Page in accordance with FAR 5.201. Any proposals that are received shall be evaluated.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be competed.

8. Market Research: As cited in section 5 above, VA CFM is mandated to coordinate major construction projects with USACE; and USACE regulation 1110-1-8159 mandates the use of DrChecks for all projects requiring design review. While other similar products exist in the commercial marketplace (such as Submittal Exchange, and e-PlanSoft), only DrChecks will allow VA CFM to coordinate its construction projects with USACE. Therefore, market research for this specific acquisition was limited to contacting ERDC CERL in November 2015 to confirm that the NIBS is still the only authorized source for DrChecks.

9. Other Facts: None.

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10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.



11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on price analysis of the proposal against the Independent Government Cost Estimate and past historical prices paid for the same and/or software subscriptions.



12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

