

DEPARTMENT OF VETERANS AFFAIRS  
JUSTIFICATION AND APPROVAL  
FOR  
OTHER THAN FULL AND OPEN COMPETITION

**1. Contracting Activity:** The agency responsible for this acquisition is: The Department of Veterans Affairs, Network Contracting Office, NCO17, 2002 Scott Blvd, Temple, TX 76504. The Contracting Officer for this procurement is Joyce Mills. The Department of Veteran Affairs proposes to enter into a contract on the basis of other than full and open competition, in accordance with FAR 6.302-2, Unusual and Compelling Urgency, for the North Texas Health Care System, Engineering Department. Purchase Request Number 549-16-2-5065-0492.

**2. Nature and/or Description of Action Being Processed:** This request is for other than full and open competition. The proposed action is for Emergency Services for Replacement of Fan Coil Units (FCUs) located at the Sam Rayburn VA Medical Center, 1201 E. 9<sup>th</sup> Street, Building1, Bonham , TX 75218. This service is required for emergency replacement of the inoperable FCUs in Building 1 (Main Hospital). Network Contracting Office (NCO) 17 intends to negotiate and award a contract on a sole source basis to Tri-Tech, LLC., 1205 Wishing Tree Lane, Kellar, TX 76248.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:** The Engineering Department at the Dallas VA Medical Center has requested Emergency Replacement of existing FCUs to restore climate control to Building 1, rooms 202, 204, 224,226,228,231,308, 309, 310, 315, 325,407,408,414,416, 418, 419, 424, 516, and 517. Currently, the system has 20 FCUs that are inoperable; causing discomfort to the both patients and doctors located in these areas. The system is currently unable to cool to its full capability. In an effort to combat the situation, the nursing staff has placed fans in the patient rooms and have, resorted to using ice packs to cool down patient's body heat in extreme cases. The Engineering staff has determined its necessary to make the required repairs promptly to restore the HVAC system to a fully functional condition. The total estimated value of the proposed action is \$390,097.00. All work shall be completed within the estimated 120 days from issuance of the Notice to Proceed. Tri-Tech is located within close proximity of the hospital and they have the necessary parts on hand to make the needed repairs quickly. Moreover, they have experienced mechanical and electrical technicians that have extensive experience working on a system of this age.

**4. Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c) (1), as implemented by FAR 6.302.1

- (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):** The proposed source for this action is Tri-Tech, LLC, a certified service-disabled veteran-owned small business (SDVOSB). Tri-Tech is currently the General Contractor for the Sidewalk Repairs, Task Order VA257-16-J-0791 project in Bonham. Tri-Tech employs the required certified mechanical technicians necessary to complete the required work contract. Additionally, they have made previous repairs to the aging system and are familiar with the systems issues. Delay in award of a contract will result in continued discomfort to the patients and staff due to the climate control issues in the building. Emergency Replacement of existing FCUs to restore climate control to Building 1, rooms 202, 204, 224,226,228,231,308, 309, 310, 315, 325,407,408,414,416, 418, 419, 424, 516, and 517. Currently, the system has 20 FCUs that are inoperable; causing discomfort to the both patients and doctors located in these areas. The system is currently unable to cool to its full capability. In an effort to combat the situation the nursing staff has placed fans in the patient rooms and have resorted to using ice packs to cool down patient's body heat in extreme cases. The Engineering staff has determined its necessary to make the required repairs promptly to restore the HVAC system to a fully functional condition. The total estimated value of the proposed action is \$390,097.00. All work shall be completed within the estimated 120 days from issuance of the Notice to Proceed. Tri-Tech possesses the requisite capabilities, knowledge, and expertise to provide the construction services required. They have qualified staff with the required pre-requisite construction experience. Based on the above information, the Government has determined that Tri-Tech is capable of meeting VA's requirement at an expedited pace. Tri-Tech's home office is located approximately 85 miles from the VAMC Bonham and they have a satellite location blocks from the Bonham Hospital. Additionally, they have made repairs to the FCUs at this facility and are familiar with the unique charatrics of the aging system. Moreover, they have experienced mechanical technicians that have extensive experience working on a system of this age.

**6. Description of Efforts made to ensure that offers are solicited from as many potential sources as deemed practicable:** Due to the urgency of this requirement, a synopsis was not posted to FedBizOpps.gov. FAR 5.202 (a) (2) allows exceptions to the requirement of publicizing proposed contract actions due to unusual and compelling urgency circumstances.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** In accordance with FAR 15.404-1(b) the Contracting Officer shall determine pricing fair and reasonable based on a comparison of the proposed price with the independent government estimate (IGCE). The IGCE for this procurement is \$390,097.00. In accordance with FAR 15.404-1(b)(3) the Contracting Officer has determined that information on competitive proposed prices or previous prices is not available or is insufficient. This CO's determination is based on the specialized nature of this procurement, traditionally this type of work would specifically be all inclusive in a larger complex Construction Contract; therefore individual pricing for this specific type of work is not available. As such the Contracting Officer has determined that a comparison of the proposed price with the IGCE shall be used to determine the price to be fair and reasonable. Furthermore the Contracting Officer will compare the contractors proposed labor hours to the IGCE proposed labor hours, and conduct a review of the construction price against the VAMC Cost Guide for VISN 17, which is prepared by The Office of Construction & Facilities Management and is valid through October 2014. Currently the VAMC Cost Guide for VISN 17 estimates a rate of \$269.00 per square foot for Total Renovations in Dallas, TX. The requirements of FAR 15.406-2, Certificate of Current Cost or Pricing Data are not applicable to this acquisition.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons**

**Market Research Was Not Conducted:** Market research was conducted by searching the VetBiz.gov database on March 25, 2016 to determine if Tri-Tech is a SDVOSB. This search concluded that Tri-Tech is registered and certified as an SDVOSB in the VetBiz.gov database and qualifies as a SDVOSB in accordance with Federal small business size standards for the applicable NAICS code 238220. Additionally, a search in the System for Award Management (SAM) was performed on March 25, 2016 showed that Tri-Tech is registered in SAM as an SDVOSB. Furthermore the VetBiz.gov search found a total of 671 SDVOSB's under NAICS code 238220 and a search using the SBA quick market search found a total of 2,244 Veteran Owned Small Businesses; 2,192 Woman or Woman Owned Small Businesses; 574 HUBZone Certified Small Businesses; 839 Small Disadvantaged Businesses; 1,190 8(a) Certified Small Businesses; and 1,471 Service-Disabled Veteran Owned Small Businesses under NAICS code 238220. Although the results of the market research demonstrate that there are sufficient SDVOSB's capable of doing this requirement, Tri Tech is centrally located close to Bonham Texas and has personnel dedicaterd to work at the Bonham VA. Tri-Tech specializes in mechanical and electrical projects and has performed both of these specialties at the Bonham facility and throughout VISN17. Tri-Tech has a history of performing excellent work, within our VISN, for the past five years. Based on this market research, the Government has determined that Tri-Tech, LLC is a SDVOSB and can meet the Government's urgent need.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** The Contracting Officer has determined that this procurement meets all the requirements of statute 38 U.S.C. 8127(c). This procurement is below the \$5,000,000.00 threshold; Tri-Tech has been determined to be a responsible SDVOSB.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section VI 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:** All future requirements will be handled on a case-by-case basis to determine any future acquisition strategy. Additionally, consistent with the guidelines of the Veterans First Contracting Program, the proposed action described herein will be synopsized on the Federal Business Opportunities Page in accordance with FAR Part 5. "

**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.

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Ted Maxfield  
Associate Chief of Engineering  
VAMC Dallas, Texas  
U.S. Department of Veterans Affairs

March 30, 2016  
\_\_\_\_\_  
Date

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

- a. **Contracting Officer's Certification (required):** I certify that the justification meets requirements for other than full and open competition. I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

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Joyce M. Mills  
Contracting Officer, NCO 17, SAO-W  
U.S. Department of Veterans Affairs

03/30/2016  
\_\_\_\_\_  
Date

- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.

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Valerie Morris  
Chief, Division II, NCO17, SAO-W  
U.S. Department of Veterans Affairs

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Date