

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A) For Other Than Full and Open Competition (>\$150K)

1. Contracting Activity: NCO 23, Minneapolis, MN

2. Nature and/or Description of the Action Being Processed:

Minneapolis VA Health Care System proposes to procure design services to further renovate Building 222 and the surrounding property. This procurement will be done by means of Other Than Full and Open Competition, from a Service Disabled Veteran Owned Small Business Architect- Engineering Firm, Anderson Engineering. Anderson Engineering designed Project 618-14-160, Renovate Building 222 in 2015, which is currently in construction.

The contract type will be firm fixed price (FFP). The contract award amount is anticipated to be \$232,000, which may change based on a FFP negotiated procurement. The contract end date will coincide with the construction project end date.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

This contract is to provide architectural and engineering designs to further Renovate Bldg. 222 and the surrounding roads and grounds. The design will result in three sets of construction documents: 1) Bldg. 222 Roads and Grounds, 2) Renovate Bldg. 222 1934 Warehouse, and 3) Buildout Bldg. 222 Annex, F-19, and half of the first floor of the 1934 Warehouse.

In addition, the A-E shall provide construction period services for each of the three sets of construction documents. The A-E will provide the following services:

- a. A-E to perform all submittal review and approvals using VA-funded Submittal Exchange software.
- b. Along with COR, A-E to conduct weekly construction meetings with the contractor and user groups. The A-E shall provide meeting agenda and minutes. Meetings are expected to last approximately 1 hr.
- c. Conduct weekly construction inspections, scheduled at COR's and A-E's discretion. The A-E shall provide an inspection report, photos, and a deficiency log with proposed corrective actions (if needed).
- d. A-E shall perform mechanical and electrical inspections weekly. A-E shall provide an inspection report, photos, and deficiency log with corrective actions for each mechanical and electrical.
- e. A-E shall provide and perform full architectural, mechanical, and electrical punch lists at the end of each construction phase. A-E shall return within one week to verify punch list completion.
- f. A-E shall perform construction progress reviews for civil/site work and structural as needed. The A-E shall provide a report, photos, and deficiency log

with corrective actions for civil/site work and structural.

- g. A-E shall receive and process contractor RFI submittals using VA funded Submittal Exchange file transfer software and maintain an RFI tracking log.
- h. A-E shall create Record Drawings of the completed project from Contractor site mark-ups and RFI responses. Record Drawings shall include a virtual model of the project using Revit version 14 software, as well as .dwg and .pdf file formats.

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):

Anderson Engineering was selected under the terms and conditions of the original IDIQ based upon their previously established credentials and qualification. The Government and Anderson had discussions, Anderson produced the original design from 0% to 100%, and they have this advanced knowledge that no one else would possess.

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

- (1) The number of SDVOSBs and VOSBs reviewed: None
- (2) An explanation why only one of the firms can accomplish the requirement: Anderson Engineering has advance knowledge of the project that no one else would possess.
- (3) Documentation of the basis of price reasonableness: After comparing the IGE with the cost of Anderson Engineering's previously awarded A-E contracts (from FY 2016), the Contracting Officer will determine the anticipated cost acceptable, fair and reasonable.
- (4) An explanation for finding the sole source procurement is in the best interest of the government: Anderson Engineering has advance knowledge of the project and they already know what needs to be done for this project without needing to become up-to-speed. A new A-E firm would not have this advanced knowledge.
- (5) An explanation for selection of the contractor, which will allow the approving official to make a reasonable determination regarding whether a sole source procurement is appropriate: Anderson Engineering produced the original project designs from 0% to 100%.

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

After comparing the IGE with the cost of Anderson Engineering's previously awarded A-E contracts (from FY 2016), the Contracting Officer will determine the anticipated cost acceptable and combined with the pre-established rates the overall price of the contract to be fair and reasonable.

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 for this requirement because there was only one firm who performed the design of this project and thus only one responsible source. Refer to Item 5.

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

The requested source is a Service Disabled Veteran Owned Small Business. Direct awards to SDVOSB above the Simplified Acquisition Threshold are authorized under PL 109-461.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

None.

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 new A-E projects will be actively competed in accordance with agency policies and guidance.

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.

Ryan A. Van
Schyndel 710473

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va.gov, cn=Ryan A. Van Schyndel 710473
Date: 2016.11.16 11:07:41 -06'00'

Ryan Van Schyndel
Associate Director, Engineering
Minneapolis VAMC

Date

13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.

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

Christine J. Gauthier 369110 Digitally signed by Christine J. Gauthier
369110
Date: 2016.11.16 11:44:02 -06'00'

Christine Gauthier
Contracting Officer
Network 23 Contracting Office

11/16/2016

Date

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

Michael Casper 574272 Digitally signed by Michael Casper 574272
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Michael Casper
Acting Branch Chief
Network 23 Contracting Office

Date