

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval

#### For

#### Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 04, VA Pittsburgh Healthcare System (VAPHS) Contracting Agency – VA Pittsburgh Healthcare System Contracting Office 1010 Delafield Road Pittsburgh, PA 15215. Justification for Other Than Full and Open Competition for Oakland Campus, Consolidation Building #29, Correct Behavioral Health Deficiencies per Department of Veterans Affairs - Mental Health Environment of Care Checklist General Criteria

Transaction number 646-12-3-5685-0050

2. **Nature and/or Description of the Action Being Processed:**  
This is a proposed sole source award using Public Law 109-461 to:

Hi Def Contracting  
3046 Industrial Blvd, Bethel Park, PA 15102  
412-420-0837 (tele)

The project is for the VA Pittsburgh Healthcare System (VAPHS), Oakland Campus, Consolidation Building #29, Correct Behavioral Health and Life Safety Deficiencies per Department of Veterans Affairs - Mental Health Environment of Care Checklist General Criteria. The overall project will correct behavioral health deficiencies such as stair cases, drop ceilings, and fixtures at Consolidation Building #29 so that the building complies with the Behavioral Health Design Guidelines per Department of Veterans Affairs - Mental Health Environment of Care Checklist (MHEOCC).

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**  
The Major construction of the new Consolidation Building (CB) #29 on the University Drive (UD) campus was recently turned over to the VAPHS. During rounds by the using service lines, safety, and quality and patient care numerous behavioral health deficiencies were noted to not comply with the Behavioral Health Design Guidelines per Department of Veterans Affairs - Mental Health Environment of Care Checklist (MHEOCC).

This checklist is used to reduce the risk of suicide and para-suicidal behaviors that grew out of the Department of Veterans Affairs Patient Safety Workgroup, a subcommittee of the Performance Measures Workgroup. Deputy Chief Patient Care Services Officer for Mental Health generated a national committee to first review the Root Cause Analysis Database to see if inpatient suicides and para-suicidal behaviors were related to environmental factors. The results revealed that 54% of inpatient suicides and suicide attempts in VA occurred on inpatient psychiatry units or detox units. In addition, approximately 70% of the events were either hangings, cutting with a sharp object, or drug overdoses, with hanging the largest category. Virtually all of the hangings used some environmental anchor.

An action team was immediately set up to review all items and perform a risk assessment of the CB and the risks and liabilities associated with non compliance of this MHEOCC. This team consisted of safety, quality patient care, engineering, and Department of VA National Patient Safety Center. On March 15, 2012, VAPHS's Safety Officer, and Quality and Patient Safety Manager finalized this risk assessment for CB, floors 3-5 for compliance with the MHEOCC. The findings of the VAPHS's risk

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assessment require corrections to stairwells to eliminate fall risks, install anti-ligature doors, sinks, toilets, faucets, hardware, and correct protruding objects for reduction of hanging hazards. Modifications to nurse stations for staff safety, install tamper proof ceilings, install tamper proof screws, install tamper proof lighting, and replacement of poly carbonate windows to comply with NFPA.

On August 12, 2011 VAPHS accepted the Consolidation Building. P.J. Dick built the Consolidation Building as a Major Project under contract 646-2500N. After discussions with the COTR from the Major Project it was determined that P.J. Dick built the building according to the drawings and specifications as spelled out in contract 646-2500N. There is no evidence to indicate that the behavioral health deficiencies were part of contract 646-2500N. Therefore we do not have the authority to bring P.J. Dick back in to address the deficiencies.

The Sole Source procurement process was selected to enhance the design and construction timelines. This method will allow the Contractor to work in conjunction with the MHEOCC and to conform to all codes, requirements and regulations associated with construction methods. The responsibility of the means and methods for providing/installing (including all labor and materials) is the responsibility of the contractor. This method will eliminate the process of the VA obtaining two (2) separate contracts and will reduce the procurement process timelines. The occupancy of the CB begins in May and continues until July 2012.

An independent government estimate of contract is \$4.9M

4. Statutory Authority Permitting Other than Full and Open Competition: 41 USC §253(g), as implemented by FAR 6.302. The specific paragraph must be cited. Most likely, only the -1 or -2 authorities will be cited. Please be aware that failure to adequately plan for future requirements does not constitute appropriate use of the unusual and compelling urgency statutory authority.

- ( ) (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
- (X) (5) Authorized or Required by Statute FAR 6.302-5; Public Law 109-481 Veterans First Contracting
- ( ) (6) National Security per FAR 6.302-6;
- ( ) (7) Public Interest per FAR 6.302-7;

This requirement will be synopsized in accordance with FAR Part 5 after the J&A is approved.

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

**d. Authorized or Required by Statute (FAR 6.302-5)**

Per FAR 6.302-5 – Authorized or Required by Statute. To fulfill the statutory requirements relating to the Veterans Benefits Act of 2003 (15 U.S.C. 657f),

Citations: 10 U.S.C. 2304(c)(5) or 41 U.S.C. 253(c)(5).

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Full and open competition need not be provided for when a statute expressly authorizes that the acquisition be made through a Service Disabled Veteran Owned Small Business (SDVOSB). HI Def is a CVE SDVOSB Contractor and has current contracts within the consolidation building.

As a part of the Pittsburgh CARES project, the 5-story CB on the UD Campus was designed to provide an inpatient and outpatient behavioral health facility. The building is inclusive of Basement, Ground floor, 1st floor - Main Lobby, Behavioral Health Outpatient Clinics. 2<sup>nd</sup> Floor - Ancillary Services. 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> floors - In-Patient Care Units.

The inpatient floors include a design of unique features including patient privacy - private bedrooms with private shower rooms. The day side of the inpatient unit also includes open activity rooms to keep patients occupied and out of their bedrooms during the day. The night side of the inpatient unit includes private bedrooms and the ability to reduce floor size with locking doors to manage flexible census. Work stations, medication room, and nourishment rooms are equipped on both day and night sides.

In February 2012, VAPHs's Safety Officer, Quality Patient Safety Officer, and representatives from the VA National Patient Safety Center conducted rounds of the Consolidation Building and found violations of the MHEOCC. A risk assessment on these deficiencies of the MHEOCC was conducted in March 2012. The findings of this risk assessment required that VAPHS correct these deficiencies prior to moving in patients. These corrections will reduce the environmental factors that contribute to inpatient suicides, suicide attempts, and other self-injurious behaviors. The focus of the assessment was on the environmental factors contributing to patient and staff safety.

The correction of these MHEOCC deficiencies will be consistent with the Joint Commission patient safety and Memorandum from Assistant Deputy Under Secretary for Health for Clinical Operations, dated March 12, 2012 on Suicide Prevention on Mental Health Inpatient Units.

The consolidation building occupancy phasing schedule is currently established and will commence in May 2012 beginning with the second floor and continue until July 2012 for inpatient units. During this transition period, ancillary service lines will support inpatient functions at Highland Drive (HD) by having staff work in conjunction at Heinz and University Drive (UD). This is a temporary set up to support the planned phased move schedule. Due to the magnitude of this move, it must be phased to minimize impact on patient care. The first phase of this move is for the ancillary service lines. Second phase is the outpatient services and third phase is inpatient services. This strategic plan incorporates numerous contracts to support these May, June, and July move schedules. There are contracts to move employee's belongings, medical center equipment relocation from HD to UD, training on new equipment, and calibrating and start-up of all new equipment. In addition, there are multiple warranties on all new equipment throughout the CB that should be utilized at this start up time to ensure functionality of equipment. This plan has been communicated with Health Administration Service Line (HAS). HAS is in the process of generating appointment letters to the veterans to redirect them to the CB building for their outpatient appointments.

The mission of Department of Veterans Affairs Behavioral Health is to put inpatient behavioral health patients back into the community and provide outpatient services. These two services work together to support each other. If the contract to correct MHEOCC is not awarded by May 7, 2012, then inpatients cannot move to CB as part of this strategic plan as it exposes patients to potential suicide opportunities. This will then segregate inpatient and outpatients into two separate locations. This segregation of inpatient and outpatient services causes confusion and potential for missed appointments. Given the sensitive nature of behavioral health patients, it is critical to take all measures to reduce anxiety. It is essential that the VAPHS provide streamlined, efficient, and safe

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care to reduce risks for these psychiatric patients. The VAPHS's vision is to partner with veterans to optimize their health and quality of life through integrated, innovative, and compassionate care.

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

Per FAR 5.202, behavioral health patients would be put at risk for potential suicide if this contract were to be competed. Given the time required for the procurement action for advertisement and competitive solicitations, this process would impact the strategic plan of opening CB July 2012.

Per VAAR 819.7007, contracting officer shall consider a contract award to SDVOSB concern on a sole source basis if anticipated award of contract will not exceed \$5 million

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

Independent Government Estimate (IGE) was generated by VAPHS. The VAPHS intends to request from offeror a detailed breakdown per Construction Facilities Management Technical Information Library Master Specification List. The VAPHS will evaluate offeror's proposal and compare each item against the government's estimate. The VAPHS will determine if quantities and costs are within the IGE so price can be deemed fair and reasonable

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

Due to the requirement to open the CB in July 2012, limited market research was conducted only looking at the local SDVOSB contractors that are already on station at the VAPHS. This was done since the contractor needs to be familiar with the VAPHS and already mobilized onsite if they are going to meet the deadlines. Hi Def was selected as they have previously demonstrated their ability to execute contracts to meet deadlines. They have access to a pool of laborers who will support two eight hour shifts (day and night) who will work all three floors to meet VAPHS's deadline of July 2012. Hi Def recently completed the utility contract for the Heinz Ambulatory Care Center (ACC) contract. This contract required an expedited schedule in order to open the ACC. Hi Def completed this contract at the required time with no punch list items, allowing the ACC to open in December 2011.

Hi Def is currently working on a CB utility contract including electrical and plumbing installations. As Hi Def Contracting is currently on site performing this contract in CB, they are very familiar the utility services of the CB and can expedite manpower to meet VAPHS's deadline of July 2012.

Given Hi Def's past performance with ACC and current contract with CB, they have demonstrated excellent workmanship and the ability to meet the VAPHS's deadline constraints. This workmanship is critical in that it establishes Hi Def's ability to appropriately staff the contract and provide the quality labor to minimize punch list items that could delay the opening of CB.

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

The time to solicit this package would cause considerable delays to VAPHS. The procurement action lead time for advertisement and award for projects estimated up to \$5 million does not meet the VAPHS's requirement for opening CB July 2012.

The current plan for relocating outpatient, inpatient, and ancillary patient support functions from HD to CB is currently being executed. These inpatient units are supported by the ancillary services. It is

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essential that once the ancillary moves occur, then the inpatient moves must follow. All moves will be finalized by July 2012.

This contract must support the July 2012 schedule. All deficiencies can be corrected through this contract if it is awarded by May 7, 2012. The VAPHS intends to fully evaluate the proposal in an accelerated time frame to ensure contractor's offer and subsequent price breakdown is in compliance with IGE.

The imminent award of this contract is essential to the safety of inpatient mental health as it is critical to reduce the risks for suicide attempts while patients are on the units. This award of this contract is an exceptional circumstance in that there are critical mental health design deficiencies that must be designed, procured, and installed prior to July 2012.


Per FAR 6.303-2(b)(9)(i), a scope of work has been developed that indicates items on the MHEOCC that must be corrected. The VAPHS has performed an estimate that ensures competitive and fair pricing will be realized as it compares that to the contractor's price.

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

**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:**

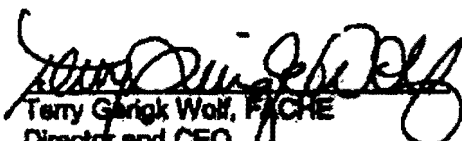
There will be no future actions.

**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.

  
Susan McCaffrey  
VP, Facilities Management  
VA Pittsburgh Healthcare System

Date

5/1/2012

  
Terry Garick Wolf, FACHE  
Director and CEO  
VA Pittsburgh Healthcare System

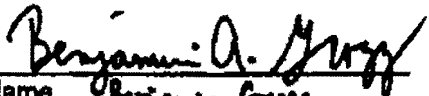
Date

5-2-2012

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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 Benjamin Gregg  
Title Acting Network Contract Manager  
Facility NCO 9

Date 5/2/12

- b. NCM/PCM: I certify the justification meets requirements for other than full and open competition.

  
Benjamin Gregg  
Acting Network Contract Manager  
NCO 4

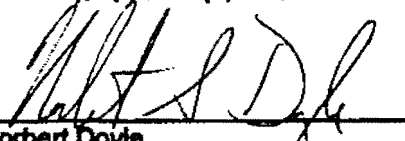
Date 5/2/12

- c. SAO: I certify the justification meets requirements for other than full and open competition.

  
David Fitzgerald  
Director  
Service Area Office, East

Date 2 MAY 2012

- d. 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 (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.

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

Date 5/2/12