

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>\$150K)

Acquisition Plan Action ID: VA242-17-AP-8001
Project 620-12-146 Remove Haz Mat
PO 620C20254

1. Contracting Activity:

Department of Veterans Affairs, NCO 02, 130 West Kingsbridge Road, Bronx NY 10468
Justification for Other than full and open competition.
Purchasing Request 620-17-4-2317-0036
Acquisition plan VA242-17-AP-8001

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

New firm fixed price contract for architect-engineer services to provide construction period services.

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

The requested A/E Abatement Construction Period Services (CPS) are required to ensure construction/abatement is performed successfully and in accordance with the original design documents which were provided by DCS Infrastructure LLC. We anticipate that the new AE CPS services fee at approximately \$295,550.00 and the new service contract period of performance will be 420 Days from NTP.

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):

Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1

On June 29, 2012, VA awarded an A/E contract for Project Number 620-12-146 Remove Hazardous Materials at the Montrose VAMC to DCS Infrastructure to prepare design drawing and documents as well as provide construction period services and site visits once the construction contract has been awarded based on the design. The appropriation associated with the architect-engineer task order with DCS Infrastructure has expired leaving the project without Construction Period Services (CPS).

In order to complete the construction successfully, the VA needs DCS Infrastructure to finish construction period services and site visits and inspections to ensure the VA receives a quality construction product.

A procurement package was submitted through the FORCE and a 2237 has been entered for this project. The contract should be awarded on a sole source basis to DCS Infrastructure for the following reason:

I. The Architect-Engineer (A-E) is required by the Statement of Work to act in advisory and consulting capacity to the Contracting Officer. The A-E, when requested, shall assist the Contracting Officer and the resident Engineer to interpret the Construction Documents and shall recommend any action(s) deemed 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 the VA to be executed in accordance with the Construction Documents.

II. 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 Engineer in writing of any and all deviations from the requirements of the Construction Documents that he 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.

III. 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.

IV. DCS Infrastructure prepared the Project Number 620-12-146 Remove Haz Mat under the original contract and has unique capabilities to provide the unique services required under this contract. Specifically, DCS Infrastructure 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; and to determine conformity with the design concept and Construction Documents.

In summary DCS Infrastructure is the only source for these unique services and no other source with satisfy agency requirements.

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

Due to the nature of the CPS sought for the Demolition of Buildings 8 & 25 at the Montrose Campus, and in light that DCS Infrastructure has provided all the contract drawings and documents for this project which have been bid and is in the process of being awarded to a Low Bidder for this project, the expiring CPS services contract warrants a need to seek their services once again to fully complete the Demolition project for Buildings 8 & 25 at the Montrose Campus.

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 DCS infrastructure is the only source that can provide the Construction Period Services. CPS is the vehicle that the VA uses to ensure the Designer of record can provide support to the VA and Contractor that project is built as designed.

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

DCS Infrastructure has provided all the contract drawings and documents for this project which have been bid and is in the process of being awarded to a Low Bidder for this project.

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

No vendors expressed interest following the posted notice of intent on FBO.

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:

N/A

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

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.

(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)

MARK N. COOPERMAN
1052264

Digitally signed by MARK N. COOPERMAN 1052264
DN: dc=gov, ou=internal, ou=people,
o=9.2342.19200300.100.1.1=mark.cooperman@va.gov,
ou=MARK N. COOPERMAN 1052264
Date: 2017.08.03 10:55:53 -04'00'

Mark Cooperman
Title General Engineer - COR
Facility HVHCS - Montrose Campus

Date

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

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

Michael J
Giaquinto 233887

Digitally signed by Michael J Giaquinto 233887
DN: dc=gov, ou=internal, ou=people,
o=9.2342.19200300.100.1.1=micheal.giaquinto@va.gov,
ou=Michael J Giaquinto 233887
Date: 2017.08.03 11:05:05 -04'00'

Michael Giaquinto
Contracting Officer, NCO 2

Date

- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Irma Ferro
194366

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DN: dc=gov, dc=va, o=internal, ou=people,
o=9.2342.19200300.100.1.1=irma.ferro@va.gov,
ou=Irma Ferro 194366
Date: 2017.08.02 09:40:59 -04'00'

Irma Ferro
NCO 2 Division Chief of Contracting (Construction and Supply Teams)