

DEPARTMENT OF VETERANS AFFAIRS

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

1. **Contracting Activity:** Department of Veterans Affairs, VISN 23/NCO 23, VA Central Iowa Health Care System, Des Moines, IA Medical Center.
Acquisition Planning Number: VA263-17-AP-9722
Purchase Request Number: 636-17-4-3555-0396

2. **Nature and/or Description of the Action Being Processed:** A new firm fixed price contract to Schemmer & Associates is needed to re-design Minor Project 636-123 Construct CLC Cottages due to within scope changes from the original design. The new requirements for the CLC design will reflect a move from the original design location to a new site location determined by facility leadership that will require changes to the design documents. The revised design will have limited changes to the clinical floor plan drafted by Schemmer and Associates in their original design. This action under review will be awarded as a new firm fixed price contract and the existing contract will be closed out.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Space Requirements for a new 12 unit Community Living Center Cottage to meet cultural transformation improvements and provide home-like setting for Veterans with mental health diagnoses. The new cottage will incorporate a restraint free and safe environment for Veterans who are difficult to place in community nursing homes due to behavioral/mental health diagnoses but do not require acute psychiatric services.

Delivery of 100% construction document bid package to the VACIHCS is expected to be 14 weeks after issuance of the Notice to Proceed (NTP).

Estimated Value: [REDACTED]

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;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Schemmer & Associates Architects was originally issued a task order for the design of Minor Project 636-123, Construct CLC Cottages. The original design site was approximately ninety nine (99%) completed before VA requested changes. Changes are necessary based upon the estimated cost of construction which would exceed the approved funding amount. Specifically, the SOW is revised to change the site location which will be just North and West of Building 12 and connected to the end of the building by an on-grade connecting link. Other changes include elimination of the lower level, as previously

designed, and replace so the entire main level is a slab on grade structure and add the inclusion of a mechanical/electrical interstitial space above the CLC clinical attic.

Services requested for this acquisition would utilize the 99% initial design documents from Schemmer's original task order which have been completed up to 99% and reviewed by VA Engineering. It is expected that if another A/E firm is used there will be substantial duplication costs to the Government that would not be recovered through the use of competition. Redesign efforts are estimated to cost approximately \$[REDACTED] while the estimated cost to compete a brand new design from the start would be greater than \$[REDACTED]

The deliverable timeframe of 100% Construction Documents bid items is estimated to be approximately 14 weeks from the issue of the NTP versus greater than 52 weeks if a brand new design is competed and completed by another A/E firm. Minor project 636-123 appropriations for construction obligation are contingent upon receipt of final construction documents which is slated for FY2018. Therefore, delays in completing the design in a timely manner pose a risk to the facility by not awarding a timely construction contract.

Accordingly, Schemmer is the only firm capable of providing the design services described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost which could not be recovered through competition. Recompeting the A/E design would also result in unacceptable delays in fulfilling the requirements.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The original task order for this design was competed from the NCO 23 IDIQ with all NCO 23 IDIQ contract holders' qualifications being reviewed and evaluated.

Other A/E firms were considered for this action however, they are expected to be unsuccessful if this action were to be recompeted due to the nature of the acquisition described in Number 5 as no other A/E firm has the proprietary 99% Construction Design Documents.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated costs shall be determined Fair and Reasonable by the awarding Contracting Officer based upon market research and past similar requirements. It is expected that negotiated and awarded per hour costs of each of the disciplines that were used on the NCO 23 IDIQ for Schemmer can be used in order to assist in finding the price Fair and Reasonable for the new requirements. A technical evaluation will be completed to ensure that the number of labor hours proposed is Fair and Reasonable based upon the VA anticipated effort for investigations, design, and Design documentation for this project.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** No market research was conducted due to an examination of the acquisition history and experience of other A/E firms. Other A/E firms are unable to use a portion of the design completed by Schemmer without having to duplicate efforts made in the original design including redesigning to their own standards and/or means, reviewing the completed design, or understanding the need of the project in whole.

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

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The 100% Construction Documents were completed by Schemmer for the original design for this project. The new requirements can utilize the 99% design documents of the original design. Being able to use the 99% design documents will eliminate duplication of design and construction documentation costs and eliminate excessive time in development of the re-design/scope changes of this project.

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:** None.

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.

Roger A. Fry

225047

Roger Fry
Supervisor General Engineer/COR
VACIHCS, Des Moines, IA

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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.

Benjamin E.

Smith 483365

Benjamin Smith
Contracting Officer
NCO 23

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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.

Scott Petrin

Scott Petrin, Division Chief
NCO23

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