

JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION

1. Identification of the Contracting Activity and the Requiring Agency:

Department of Veterans Affairs
Construction and Facilities Management (CFM)
Eastern Region
Silver Spring, MD

2. Nature/Description of Action Being Approved: This justification and approval sets forth the facts and request approval to award a supplemental agreement to increase the maximum limit of the contractor's obligation to deliver and the Government's obligation to order services against IDIQ contract VA101F-13-D-0002 awarded to Smith Group + URS.

3. Description of Supplies and Services:

Due to coordination issues, differing site conditions, and sequencing problems CFM is in need of additional Construction Period Services from Smith Group + URS in order to properly manage the delivery of the VA Manhattan Medical Center renovation projects. The estimated price to complete all work with Smith Group + URS is \$1,000,000.00. There will be no change in the period of performance of the AE IDIQ contract.

4. Statutory Authority Permitting other than full and open competition: The statutory authority for this action is FAR 6.302-1, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

5. Demonstration That the Proposed Contractor's Unique Qualifications Requires use of the Authority Cited: In accordance with FAR 6.302-1, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements, Smith Group + URS is uniquely qualified to provide the required services as this contractor has been performing Construction Period Services for various construction projects at the Manhattan Medical Center since August 2015. Smith Group + URS has historical and inherent knowledge of the projects they have designed and/or assisted the VA with in the management /delivery of various projects that no other contractor possesses.

6. Efforts to Ensure Offers Solicited from as many Potential Sources as Practicable: The current AE IDIQ contract with Smith Group + URS was awarded competitively and is one of 3 multiple awards. When the VAMC Manhattan Campus was damaged due to Hurricane Sandy, the immediate need to begin design of the renovations necessary to protect the medical center from a future event led to the determination to use the Eastern Regions AE IDIQ contractors to complete the work. Smith Group + URS is the current provider of Construction Period Services for the Ground Floor Phase 1B and Ground Floor Phase 2B project at VAMC Manhattan Campus. When the initial acquisition strategy was decided, it was estimated that the

Hurricane Sandy recovery would be completed in December 2015. The additional cost growth, due to the schedule delays, was unanticipated. While the other IDIQ awardees may be considered potential sources, they all lack the historical and inherent knowledge that Smith Group + URS possesses, and the other IDIQ contracts are expired. To consider other sources would result in a detrimental lost efficiency which is not in the best interest of the Government.

7. Determination of Fair and Reasonable Price: The current AE IDIQ contract contains negotiated labor rates that were previously determined fair and reasonable.


8. Market Research: Research was conducted upon discovering that the IDIQ contract was reaching capacity. While it was considered that the requirements could be competed among other firms capable of providing Construction Period Services, it was deemed that if another firm was awarded these requirements it would result in an undue hardship to the Government. Demobilization of the incumbent, mobilization of a new firm, loss of experience and knowledge of the Manhattan Medical Center, the time necessary for the new firm to gain the knowledge and experience necessary to perform at a minimal level would cause additional delays and costs. As the provider of CPS for the Ground Floor Phase 1B and Ground Floor Phase 2B project at VAMC Manhattan Campus since August 2015, Smith Group + URS is the provider capable of meeting the Government's minimum needs. The Sandy Recovery project at VAMC Manhattan is a multi-phased project requiring detailed past and future knowledge of construction tasks in order to adequately plan and coordinating tasks competing for limited resources. The ongoing projects Ground Floor Phase 1B and Ground Floor Phase 2B Construction Period Services task orders were issued against this AE IDIQ contract. No other contractor can satisfy this requirement efficiently or economically. Therefore, it is in the government's best interest to increase the maximum ordering limit for this IDIQ so necessary services to complete the task orders can be accomplished without interruption.

9. Other Facts: The loss of these Construction Period Services at the level of expertise provided by Smith Group + URS will further delay the projects and continue to increase costs and schedule beyond a recoverable level. This would cause an undue hardship to the Government if the Construction Phase Services had to suddenly stop by Smith Group + URS, which would then stop the construction project efforts. If these services were re-procured and started over by a new firm, there would be additional time lost for the acquisition process and for the mobilization and training of a new firm. The estimated lost time is 6 to 9 months. Another reason for the authority cited is that the job market in Manhattan has a high cost of living and it is difficult to fill contractor positions. Under FAR 6.302-1, having another firm take on the Construction Period Services requirement would result in a loss of over two years of knowledge and experience with the Manhattan project and the Medical Center. Additionally, increasing the ceiling of the current AE IDIQ contract would save the Government approximately \$40,000 in place of doing a separate sole source follow on contract.

10. Interested Sources: None

11. A Statement of the Actions, if any, the Agency May Take to remove or Overcome Any Barriers to Competition before Any Subsequent Acquisition is required: N/A

12. After a full review and consideration of the all the options discussed above herein, increasing the capacity is the only logical, reasonable, and supportable option. It is in the best interest of the government to increase the capacity of the Smith Group + URS A/E contract. Any other option would result in increased costs and further delay of the project. Accordingly, it is imperative that Smith Group + URS complete the Construction Period Services for the above projects. As the Contracting Officer for this action, I certify that this justification is accurate and complete to the best of my knowledge and belief.


Angeleque Batkins
Contracting Officer

December 20, 2017
Date

Concurrence:

Janice M. Speth
731830

Digitally signed by Janice M.
Speth 731830
Date: 2017.12.20 16:43:23 -05'00'

December 20, 2017

Janice Speth
Director, Eastern Region Acquisitions

Date

APPROVAL OF COMPETITION ADVOCATE:


George L. Szwarcman
Associate Executive Director,
Office of Facilities Acquisition

12/21/2017
Date