

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA701-17-AP-0362

1. Contracting Activity:

The contracting activity for this requirement is the Department of Veterans Affairs, Veterans Health Administration (VHA) Program Contracting Activity Central (PCAC).

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

This justification is in support of a new, single award, Firm-Fixed-Price (FFP) contract for an Architectural-Engineering (A-E) firm to develop and provide a complete set of drawings and specification for bidding and construction contract purposes and to provide Construction Period Services for the Replace Medical Surgical Beds project at the Tucson VA Medical Center (VAMC).

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

This design project will provide the drawings and specifications to construct a new, 10 bed Medical Intensive Care Unit (MICU) of approximately 13,550 square feet using current criteria to allow for decompression of the combined 19 bed MICU/SICU in the existing main medical center. The new beds will replace existing MICU beds located on the second floor of B-38. This project will permit the relocation of beds into new compliant NSF/bed space. This project will be constructed at the second-floor level (on stilts), north of existing B-38.

The period of performance for the design is anticipated to be 280 calendar days from issuance of the Notice to Proceed. The anticipated award date is March 2018. The estimated cost of this design is \$1,000,000.00.

4. Statutory Authority Permitting Other than Full and Open Competition:

For this action, 38 U.S.C. 8127(c), known as the Veterans First Contracting Program, provides the authority to directly contract with an SDVOSB or a VOSB. Check the specific VAAR clause used below:

- (X) 819.7007 Sole source awards to a verified service-disabled veteran-owned small business; or
- () 819.7008 Sole source awards to a verified veteran-owned small business

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

38 U.S.C. 8127(c) states, in part, "...a contracting officer at the Department may award a contract to a small business concern owned and controlled by veterans using procedures other than competitive procedures if -

- (1) Such concern is determined to be a responsible source with respect to performance of such contract opportunity;

- (2) The anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) but will not exceed \$5,000,000; and
- (3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

The implementing regulations at VAAR 819.7007 (b) & (c) [DEVIATION] state in part:

- (b) "The contracting officer's determination whether to make a sole source award is a business decision wholly within the discretion of the contracting officer..."
- (c) "A determination that only one SDVOSB can meet the requirement is not required..."

The proposed source for this acquisition is Spur Design, LLC of 320 NW 10th St, #A, Oklahoma City, OK 73103; a registered and verified SDVOSB by VA Center for Verification and Evaluation (CVE). Spur Design, LLC is technically qualified for this project as they have been awarded numerous VA design projects, including at the Tucson VAMC and have been awarded an Indefinite-Delivery/Indefinite Quantity (IDIQ) Contract in VISN 18. A review of the Past Performance Information Retrieval System (PPIRS) has confirmed Spur Design, LLC's successful past performance on VA design projects. The VA's technical experts have determined that Spur Design, LLC is capable of meeting all of the VA's requirements and standards for this design project, and is considered a responsible SDVOSB. Award will be made provided that a fair and reasonable price that offers best value to the Government can be obtained.

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

In accordance with the Class Deviation from the VAAR 819.7007(b), Sole Source Awards to Service-Disabled Veteran-Owned Small Business Concerns, the Contracting Officer's determination whether to make a sole source award is a business decision. For the reasons stated herein, and specifically, in response to Paragraph 5, the undersigned Contracting Officer, has determined Spur Design, LLC is a qualified, responsible SDVOSB.

A special notice announcing the proposed contract action will be posted to www.fbo.gov, the government's point of entry. The Justification and Approval (J&A) document will be posted within 14 days after award in accordance with FAR Subpart 6.305. The award synopsis will be posted to FEDBIZOPPs in accordance with FAR Subpart 5.301(a)(1).

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

Based on the authorities cited in this justification, a sole source award under the Veterans Benefits Act of 2006 to Spur Design, LLC. is proposed pending negotiation of a fair and reasonable price for the work to be performed. It is expected negotiations will result in a price which compares favorably to the Independent Government Estimate and previous projects performed by Spur Design, LLC. at the Tucson VA Medical Center. The Contracting Officer may need to conduct additional analysis before making a fair and reasonable price determination.

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

Market research techniques used to identify potential sources for this requirement include (1) contacting knowledgeable individuals in Government regarding market capabilities to meet requirements and (2) querying the Vendor Information Pages (VIP) at <https://www.vip.vetbiz.gov>.

Through the aforementioned efforts, a number of contractors were identified that were potentially able to perform the required services. However, only Spur Design, LLC. is currently working on the feasibility study for the new bed tower at the Tucson VAMC. The feasibility study was competitively solicited amongst the existing VISN 18 A-E IDIQ contract holders and Spur Design, LLC. was selected as the most qualified for the project. This design project is closely related to the feasibility study, and Spur Design, LLC.'s detailed background and knowledge of the new bed tower project and the site is unmatched.

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

It is recommended that a sole source award be made to Spur Design, LLC. Spur Design, LLC. is a Service-Disabled Veteran-Owned Small Business (SDVOSB) that performed the feasibility study for the new bed tower as well as a number of design projects at the Tucson VAMC, and they have an excellent past performance history on those projects. A sole source award to Spur Design, LLC is in the government's best interest to successfully compete this design project.

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

The following A-E firms from the VISN 18 A-E IDIQ contracts were interested in this project:

- a. VA258-14-D-0019 – AES Group, Inc.
- b. VA258-14-D-0020 – Nagel Architects, A Series of Nagel Services, LLC
- c. VA258-14-D-0021 – Schwab Engineering, Inc.
- d. VA258-14-D-0022 – Spur Design, LLC
- e. VA258-14-D-0023 – Tompkins Associates, Inc.
- f. VA258-14-D-0024 – Triple C – The A&E Group, LLC

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:

The Tucson VAMC and VHA PCAC will solicit future design projects through existing A-E IDIQ contract holders in VISN 18 or will compete the project on the open market using the procedures established in FAR Subpart 36.6 for A-E procurements.

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.

JOHN Z. LI 196149

Digitally signed by
JOHN Z. LI 196149
Date: 2018.01.25
13:13:04 -07'00'

JOHN LI
Supervisory General Engineer
Tucson VAMC

Date

13. **Approvals in accordance with the [VHAPM Part 806.3 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.

Donald A. Marsh
198403

DONALD A. MARSH III
Contracting Officer
Program Contracting Activity Central

Digitally signed by Donald A.
Marsh 198403
Date: 2018.01.26 07:17:36 -05'00'

Date

- b. **Director of Contracting /Designee:** I certify the justification meets requirements for other than full and open competition.

Richard C. Dahmen 199197

RICHARD DAHMEN
Director of Contracting
Program Contracting Activity Central

Digitally signed by Richard C. Dahmen
199197
Date: 2018.02.07 12:21:01 -05'00'

Date

- c. **VHA SAO 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 approve for other than full and open competition.

Randy L.
Hays 534204

RANDY HAYES
Acting Director, Service Area Organization Central
SAO Central Head of Contracting Activity (HCA)

Digitally signed by Randy
L. Hays 534204
Date: 2018.02.13 12:46:05
-08'00'

Date

ATTACHMENTS

1. Market Research Report
2. IGCE
3. Scope of Work