

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA249-18-AP-3206

1. Contracting Activity:

Department of Veterans Affairs (VA), Veterans Integrated Service Network 9, Nashville VA Medical Center (626), and Network Contracting Office (NCO) 9. The 2237 number is 626-18-2-4209-0055.

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

The procurement action under review is for Design-Build services required to prepare the existing site for the installation of two (2) Philips Cardiac Cath tables with Azurion 3 FD12 Floor imaging systems and the associated UPS requirements. The intent of the project is to design and construct two (2) modern Catheter rooms incorporating contemporary design and operational philosophies. Renovate the existing Catheter rooms to meet the new equipment and radiology requirements. Prepare the site for Philips to install the Cardiac Cath tables with Azurion 3 FD12 Floor imaging systems. This design-build project will require developing design documents based on provided conceptual design to include all architectural, mechanical, electrical and plumbing drawings required to complete the work. The resulting contract action will be a Firm Fixed Price contract. NAICS code 236220 is applicable to this requirement. The small business size standard is \$36.5 Mdollars.

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

Dunbar Mechanical Contractors, a Service Disabled Veteran Owned Small Business (SDVOSB), is to furnish all labor, material, equipment, expert supervision and design services required to effectively design and construct and coordinate the installation of two (2) Philips Cardiac Cath tables with Azurion 3 FD12 Floor imaging systems and the associated UPS requirements in accordance with the Statement of Work, Conceptual drawing, Specifications as provided. The estimated cost of this procurement action is \$699,995.00. The period of performance is 66 calendar days from receipt of Notice to Proceed for design service, and 130 calendar days for construction, for a total of 196 calendar days.

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

- (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):

The nature of this work involves the design and site preparation for the installation of new high dollar medical equipment.

Current tables are malfunctioning during procedures due to the lack of precision on the interaction between the site preparation and the equipment install. Having precision in room preparation by contractor with extensive Catheter room renovations will greatly aid in the technical delivery of this project.

Only one (1) of three (3) catheter rooms is capable of doing the most precise procedures. That room is the only one with digital subtraction, which will be available in other rooms after new installation. The other two (2) rooms also are working with discontinued/unsupported software and have systemic issues with tube chillers and UPS overheating with cause system failure during procedures. These issues are inherent with a lack of precision during site preparation. These issues all combine to restrict the work flow of the Catheter service which impacts patient care and can be mitigated with a precise site preparation.

Dunbar Mechanical Contractors is fully capable of meeting the precise requirements for the technical execution for this procurement action. They have successfully performed similar work in scope and magnitude per their statement of capability. In fact, the company's lead Project Manager and Site Superintendent in the Nashville area both possess over 25 years of construction experience each, primarily at VA hospitals and other privately-owned healthcare facilities across the country. They have been the project manager, medical equipment installer or superintendent on a variety of large and complex projects; specifically, they have provided oversight on 12 projects related to the upgrade and/or installation of catheter rooms within the last 5 years.

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

This action will not be synopsised on the GPE in accordance with FAR 5.202 (a)(4) where an exception is made to for proposed contract actions that are expressly authorized or required by statute.

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

The Contracting Officer anticipates that the overall cost to the Government will be Fair and Reasonable. The steps to ensure fair and reasonable pricing will be a comparison of this project's IGCE and past pricing of similar work in scope and magnitude performed at medical centers within the VISN 9 network. Contract VA249-17-C-0215, awarded to BES Design/Build, LLC on 8/11/2017, in the amount of \$1,938,042.00, is of similar complexity and scope; the pricing was determined to be fair and reasonable.

A detailed price breakdown will be required as part of the Offeror's price proposal. The proposed price will be analyzed for reasonableness. It will be analyzed for the different divisions of work to be performed, and the complexity of that work, and will be reviewed to ensure that it reflects a clear understanding of the requirement, and is consistent with the Offeror's technical proposal.

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

The acquisition of VA249-17-C-0215, to BES Design/Build, LLC, which is of comparable size and complexity, is the basis of this market research. The proposed vendor for this requirement, Dunbar Mechanical Contractors, is a known SDVOSB at the Tennessee Valley Healthcare System and the Memphis VA Medical Center and has been the prime contractor for multiple contracts in which the Contracting Officer (CO) has awarded and administered.

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

Catheter Service is only fully operational on 1 out of 3 catheter tables. All critical cases, which are 25% of the labs total work load, must be routed through 1 room that is fully functional on software and hardware. This causes a 1 ½ hour delay between critical cases where all doctors and staff involved must wait for the room to be sterilized. These delays result in staff overtime on a weekly basis which stresses the service and causes the VA unnecessary salary payments.

The other two (2) rooms, which will be upgraded by this project, have outdated and unsupported software. Systems have and continue to fail in the middle of procedures due to poor installation of the systems. This causes additional delays and risks to the patients.

Having all three (3) systems upgraded rapidly will remove these delays, costs and stress on the service.

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

The recommended SDVOSB-Dunbar Mechanical Contractors Is the only source that was spoken to regarding this requirement. After reviewing the contractor's capability statement, given the fact that the undersigned CO has personal knowledge of the contractor's successful past performance, it is determined that Dunbar Mechanical Contractors could successfully complete the requirements for project 626-11-CSI.

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:

Being that this requirement is intended to be procured under the authority of FAR 6.302-5, a contracting officer of the VA may award a contract to a SDVOSB using procedures other than competitive procedures if—

- a. Such concern is determined to be a responsible source with respect to performance of such contract opportunity;
- b. The anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 134 of title 41) but will not exceed \$5,000,000; and
- c. 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.

Accordingly, the contracting officer will not attempt to overcome any barriers to achieve competition for this requirement. However, the contracting officer will consider other competitive procedures when the contracting officer has determined that the probative value of competition outweighs the prejudicial effect of utilizing FAR 6.302-5.

12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the VA 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.

Craig A. Hrobak 228451
Digitally signed by Craig A. Hrobak 228451
Date: 2018.04.09 14:41:44 -05'00'

Craig A. Hrobak
Chief, Engineering Service/TVHS

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.

STEPHEN A. CLABOUGH 711859
Digitally signed by STEPHEN A. CLABOUGH 711859
Date: 2018.04.09 15:05:04 -05'00'

Stephen Clabough
Contracting Officer/NCO 9

Date

- b. **One Level Above the Contracting Officer (Required over\$150K but not exceeding \$300K):** I certify the justification meets requirements for other than full and open competition.

Douglas Crowley 446500
Digitally signed by Douglas Crowley 446500
Date: 2018.04.09 15:11:09 -05'00'

Douglas J. Crowley
Contracting Chief/NCO 9

Date

- c. **One Level Above the Contracting Officer (Required over\$300K but not exceeding 700K):** I certify the justification meets requirements for other than full and open competition.

Kenneth N. Hooks 498714
Digitally signed by Kenneth N. Hooks 498714
Date: 2018.04.11 15:16:27 -05'00'

Kenneth N. Hooks
Division Chief
Network Contracting Office 9

Date

- d. **Concurrence and Approval (Required over\$700K):** I certify the justification meets requirements for other than full and open competition.

Linda S. Greaves
Director of Contracting
Network Contracting Office 9

Date

- e. **VHA SAO 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 (if over 13.5 million) or approve (\$700K to \$13.5 million) for other than full and open competition.

Randy L Hays
Acting Director, SAO Central Region
SAO Central Head of Contracting Activity

Date