

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA261-18-AP-4821

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office – 21 (NCO-21), VA Palo Alto Health Care System (PAHCS), 3801 Miranda Avenue, Palo Alto, CA 94304, Purchase Request Number 640-18-2-5281-0033

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

NCO 21 anticipates the award of a firm fixed price contract to repair the Spinal Cord Injury/Blind Rehabilitation Center, building 500 at VA PAHCS located at 3801 Miranda Avenue, Palo Alto, CA 94304-2107 due to flood water damage. The proposed action will be accomplished pursuant to FAR 6.302-2 due to the unusual and compelling urgency to prevent further damage to real property and avoid environmental hazards from developing in the space.

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

A large leak occurred in Bldg. 500 on Sunday, January 14, 2018. The leak originated from a failed gasket on a domestic hot water system that penetrated through several layers of sheetrock and into an adjacent office and ran for several hours until discovered. The leak covered approximately 34,000 square feet of offices and rehabilitation space with approximately two inches of hot water causing major damage to the floors, walls, and ceiling tiles. Remediation services started on January 14, 2018 to prevent further water damage to personal and real property. A remediation contractor performed water remediation services by draining the water in all affected areas, removing damaged walls, wall coverings, carpet, flooring, damaged ceiling tiles, cove base, and anything else that would be affected from the flood water, and enabled the building to dry out effectively to prevent mold growth. All debris was cleaned up and removed from the spaces and disposed of on March 23, 2018.

Now that the remediation services are nearly complete a construction contractor is required to perform the following throughout the affected area(s) of building 500: replace all insulation at all open wall locations, demolish and replace drywall, repair, patch, and paint any surface disturbed to level 5 wall finishes, patch and paint all rooms and corridors, paint all doors and frames, install new doors, replace existing loading dock double wooden door, demolish and refloat floor in the hallway that ramps up to tile in the main corridor, replace all flooring removed by remediation contractor and replace all missing flooring, provide and install all new casework, provide and install acoustic wall paneling where removed, provide and install new sinks and associated hardware, re-label all IT/Telecom faceplates for missing cover plates and data plates, re-install all data connections, replace data receptacle covers missing, replace floor electrical receptacles and floor coverings, remove, replace and/or re-install all window sill aluminum base and re-install equipment, TV's, and whips to furniture.

The estimated amount of the construction is \$2,776,600.00. Project duration is expected to complete 120 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;
- (X) (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 Proposed Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above:

When the agency's need is of an unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals, full and open competition need not be provided for. This acquisition requires the authority cited due to the life safety and real property damage matter. The Polytrauma and Blind Rehabilitation Center and its occupants would sustain additional damage and incur environmental liabilities if the building isn't repaired immediately.

The acquisition will be awarded to a Service Disabled Veteran Owned Small Business (SDVOSB) that is currently performing other construction services on the Palo Alto facility. This contractor also constructed building 500 and has a working knowledge of the building that other contractors don't have. The contractor's information is:

Patriot Construction, Inc.
4646 Qantas Lane, Suite B-4
Stockton, CA 95206

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

FAR 5.202(a)(2) states that an action need not be synopsisized if an unusual and compelling urgency precludes competition to the maximum extent practicable and the Government would be seriously injured if the agency complies with the time period specified. Due to the work in question being a life safety issue and an imminent threat to the asset, it is not feasible to solicit proposals/bids from multiple sources through competitive FAR Part 15 procedures. This competitive procedure, which includes acquisition plan preparation and review, pre-solicitation review, pre-solicitation notice, solicitation posting, evaluating proposals, conducting negotiations and pre-award review is estimated to take approximately 120 days for a project of this complexity and magnitude.

This justification for other than full and open competition is in full compliance with VA Market Research Guide for Acquisition Teams, dated March 1, 2018.

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The contracting officer representative prepared an independent Government Cost Estimate (IGCE) to assist in the establishment of fair and reasonable price. The Government will also obtain certified cost and pricing data in accordance with FAR 15.402(a)(1) to establish a fair and reasonable price.

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

Under the statutory exception to fair opportunity, as specified above, this unusual and compelling urgency authorizes the Government to limit full and open competition and does not require market research.

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

None other than those indicated above.

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

Patriot Construction, Inc.
4646 Qantas Lane, Suite B-4
Stockton, CA 95206

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 need to acquire the stated services in the manner proposed is due to the unusual and compelling urgency of the life safety and asset salvage situation it presents. The services have to be obtained as soon as possible to prevent further harm to the occupants of the building.

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.



Jonathan Bassignani
Project Manager/OFPD
VA Palo Alto Health Care System

13. **Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:**

Contracting Officer's Certification: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Megan Barr
Contracting Officer
Network Contracting Office 21

Branch Chief: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Brett Vegeto
Branch Chief Construction
Network Contracting Office 21

Director of Contracting: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Brooke Robison
Director of Contracting
Network Contracting Office 21 (NCO 21)

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.

Delia A. Adams, MBA, CPCM
Executive Director, Service Area Office West
Head of Contracting Activity (HCA)