

## DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA701-18-AP-0342

**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) task order 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 Administration Services for the Expand Patient Parking Garage project at the Cleveland VA Medical Center (VAMC).

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

This design project will provide all of the Construction Documents, Construction Administration Services, Technical Specifications and Cost Estimates for the Expand Patient Parking Garage at the Cleveland VAMC. The project shall include a 4<sup>th</sup> floor expansion on the west side of the existing patient parking garage at the Louis Stokes Cleveland VAMC. The additional shall be a post-tensioned, reinforced concrete structure designed and integrated into the same structural system and create approximately 132 additional parking spaces.

The period of performance for the design is anticipated to be 121 calendar days from issuance of the Notice to Proceed. The anticipated award date is early August 2018. The estimated cost of this design is \$326,000.00.

**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 AE Works, LTD. of 6587 Hamilton Avenue, Pittsburgh, PA 15206; a registered and verified SDVOSB by VA Center for Verification and Evaluation (CVE). AE Works, LTD. is technically qualified for this project as they have been awarded previous VA design projects at the Cleveland VAMC under their VISN 10 A-E Indefinite-Delivery/Indefinite Quantity (IDIQ) Contract VA250-15-D-0025 that was awarded in 2014. A review of the Past Performance Information Retrieval System (PPIRS) has confirmed AE Works, LTD.'s successful past performance on VA design projects. The VA's technical experts have determined that AE Works, LTD. 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 AE Works, LTD. is a qualified, responsible SDVOSB.

A special notice announcing the proposed contract action will be posted to [www.fbo.gov](http://www.fbo.gov), the government's point of entry. The Justification and Approval (J&A) document will be posted within fourteen (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 AE Works, LTD.. 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. 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 AE Works, LTD. is a verified SDVOSB under the VISN 10 A-E IDIQ Contracts and is fully capable of performing this project.

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

It is recommended that a sole source task order award be made to AE Works, LTD. AE Works, LTD. is a Service-Disabled Veteran-Owned Small Business (SDVOSB) that has design project experience at the Cleveland VAMC and has a successful past performance history on those projects. A sole source award to AE Works, LTD. is in the government's best interest to successfully complete this design project.

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

The following A-E firms from the VISN 10 A-E IDIQ contracts were interested in this project:

- a. VA250-15-D-0024 – Kaczmar Architects, Inc.
- b. VA250-15-D-0025 – AE Works, LTD.
- c. VA250-15-D-0026 – Frederick, Frederick & Heller, Inc.
- d. VA250-15-D-0028 – Perspectus Architecture, 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 Cleveland VAMC and VHA PCAC will solicit future design projects through the existing A-E IDIQ contract holders in VISN 10 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.

\_\_\_\_\_  
JARED WOODARD  
General Engineer  
Cleveland VAMC

7/11/2018

\_\_\_\_\_  
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.

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DONALD A. MARSH III  
Contracting Officer  
Program Contracting Activity Central

\_\_\_\_\_  
Date

- b. **One Level Above the CO** I certify the justification meets requirements for other than full and open competition.

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JOHN YALLECH, JR.  
Supervisory Contracting Officer  
Program Contracting Activity Central

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Date