

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval (J&A) For Other Than Full and Open Competition (>SAT)

Acquisition Plan Action ID: VA701-18-AP-0104

**1. Contracting Activity:**

The Contracting Activity for this requirement is the Department of Veterans Affairs, Veterans Health Administration (VHA), Program Contracting Activity Central (PCAC) in support of major lease activation project for the VA Connecticut Healthcare System (VACTHCS).

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

This justification is in support of a new, Firm-Fixed-Price (FFP) Indefinite Delivery/Indefinite Quantity (IDIQ) contract for commercial Initial Outfitting, Transition, and Activation (IOT&A) services for the VA Connecticut Healthcare System (VACTHCS).

The U.S. Department of Veterans Affairs will construct a new VA Medical Center major lease at 180 Edison Rd, Orange, CT. This project will lease approximately 45,000 net usable square feet (NUSF) of building space which will be built to suit, to serve as an expansion and relocation of the Errera Community Care Center (CCC) and as additional General Office/Clinic Space for use by the VACTHCS.

Site development includes (but is not limited to):

- Community Care Center (approximately 45,000 NUSF)
- Site lighting
- Parking
- Roads, sidewalks, and access (entrance/exit) points
- Storm water management
- Subsurface utility distribution systems
- Landscaping
- Other required site amenities and improvements

The construction of this project was awarded on September 30, 2017. The anticipated construction completion date is September, 2019.

**FAR 13.5 Simplified Procedures for Certain Commercial Items:** This procurement is being conducted in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

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

The contractor shall conduct all necessary Planning, and IOT&A activities in accordance with the Performance Work Statement (PWS). The contractor shall provide professional services to include all labor, materials, transportation, and equipment to conduct and provide IOT&A support services to accomplish the PWS tasks. The scope includes project support for planning, activating, outfitting, and transitioning the staff and Veterans/patients associated with the project during FY18 through FY20. The scope of this services acquisition includes compatible comprehensive project

management, comprehensive interior design development, comprehensive equipment planning, acquisition support services, transition and relocation services, receipt, storage and warehousing of new and existing equipment; furniture, fixtures, and equipment (FF&E) Database management, installation (non-construction related integration), technical inspection, training/simulation for equipment/systems, meeting facilitation services, technical request for information assistance, information technology installation, assembly and other information technology related services, biomedical services and final turnover, closeout and post-occupancy evaluations for identified leasing projects.

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

The authority for applying the Simplified Procedures for Certain Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2). For this action, 38 U.S.C. 8127(c), known as the Veterans First Contracting Program, provides the authority to directly contract with a Service-Disabled Veteran-Owned Small Business (SDVOSB) concern as implemented by VAAR 819.7007.

**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 GoEnergistics, LLC of 2101 Cedar Springs Rd., Ste. 1050 , Dallas, TX, 75201; a registered and verified SDVOSB by VA Center for Verification and Evaluation (CVE). It is anticipated that GoEnergistics, LLC possesses the necessary personnel, requisite knowledge, and technical expertise, or the ability to obtain them, to provide the services required.

This IOT&A requirement has significant schedule risk associated with meeting contract performance and delivery dates. Successful project completion requires an aggressive schedule to meet First Patient Day expected for November, 2019. Go Energistics, LLC is currently providing or has provided related services for the following activation projects:

- VA70116D0024 Tampa IOT&A Pre-Planning IDIQ
- VA70117D0004 Honolulu Combo IOT&A IDIQ
- VA70117D0014 Long Beach 402 Combo IOT&A IDIQ
- VA70117D0017 San Diego IOT&A IDIQ

- VA70117D0020 Chico/Redding IOT&A IDIQ
- VA70117D0040 San Francisco Combo IOT&A IDIQ
- VA70117P1387 Long Beach 402 and 405 IOT&A Pre-Planning contract

In light of the above, the Government has determined that GoEnergistics, LLC is capable of meeting all of the Government's technical requirements. In accordance with FAR 9.102, a determination of responsibility will be made prior to contract award.

**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 that GoEnergistics, LLC is a qualified, responsible SDVOSB.

Notice of Intent to Sole Source #36A77618Q9059 was published to the Government Point of Entry (GPE) on May 31, 2018 pursuant to FAR Section 5.201. No responses were received.

**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 GoEnergistics, 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. The Contracting Officer will also review historical prices on existing and previously awarded contracts for similar items or services.

Based on historical prices paid for activations of the same size, scope and complexity of the VACTHCS project, the IDIQ ceiling will be set at \$5,000,000. An individual Independent Government Cost Estimate will be completed for each task order under the IDIQ. Funds will be obligated at the task order level. A separate fair and reasonable price determination will be made for each task order awarded under the base IDIQ.

**8. Description of the Market Research Conducted and the Results:**

In accordance with FAR Part 10, market research has been conducted for this acquisition. The following *techniques* were used:

**Sources via the Procurement List maintained by the Committee for Purchase from People Who Are Blind or Severely Disabled:** [https://www.abilityone.gov/procurement\\_list/index](https://www.abilityone.gov/procurement_list/index). A review of the Procurement List Services showed that this requirement for IOT&A services is not available from the Procurement List.

**GSA eLibrary:** <https://www.gsaelibrary.gsa.gov/ElibMain/home.do>. A search for NAICS 541614 was conducted on May 1, 2018. OASIS SB (One Acquisition Solution for Integrated Services – Small Business) category result was found. The OASIS SB category includes any of the following activities: provision of advice, preparation of feasibility studies, preparation of preliminary and final plans and designs, provision of technical services during the construction or installation phase, inspection and evaluation of engineering projects, and related services. There are eight SDVOSB vendors in the

OASIS SB category but none specialize in providing IOT&A services. Results of the GSA search are depicted in the chart below.

Vendor	GSA Contract	Contract End Date	DUNS
Analytic Strategies, LLC	GS00Q14OADS104	Feb 23, 2019	623876096
Infinity Technology, LLC	GS00Q14OADS120	Feb 23, 2019	198024809
ITA International, LLC	GS00Q14OADS122	Feb 23, 2019	799582379
KT Consulting, Inc.	GS00Q14OADS123	Feb 23, 2019	089072826
Loch Harbour Group, Inc.	GS00Q14OADS124	Feb 23, 2019	009757188
Micro Systems Consultants, Inc.	GS00Q14OADS127	Feb 23, 2019	608740957
Obxtek Inc.	GS00Q14OADS131	Feb 23, 2019	830341645
Sawdey Solution Services, Inc.	GS00Q14OADS138	Feb 23, 2019	020345075

**Sources via the Vendor Information Pages (VIP) database:** <https://www.vip.vetbiz.gov/>. In Accordance with VAAR Subpart 819.70, a search on Vetbiz.gov was conducted to locate Service-Disabled-Veteran-Owned-Small-Business (SDVOSB) concerns utilizing NAICS code 541614. The search produced 1,105 results (Attachment 1).

**Sources Sought Notice on FBO:** Sources Sought Notice #36E77618Q9031 was posted for this requirement on March 21, 2018 for 13 days. A total of 11 VIP Verified SDVOSB vendors submitted responses for IOT&A services through the sources sought: Results of the Sources Sought Notice are depicted in the chart below.

Vendor	DUNS
Enterprise Resource Performance, Inc.	040249091
Go Energistics, LLC	967796207
Veteran Initial Outfitting and Activation Services, LLC	080414656
Management and Technology Solutions, Inc.	130076511
Strategic Medical Equipment Solutions	079412972
Red Castle Solutions	080147586
Partners In Energy LLC	831269670
Instant Data Technologies Inc., dba Indatatech	127139611
Tri Star Engineering, Inc.	884469024
Visionary Consulting Partners, LLC	020487498
Washington Business Dynamics, LLC	078417047
Techno Rescue, LLC	785301180

**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 GoEnergistics, LLC. GoEnergistics, LLC is an SDVOSB that is successfully performing IOT&A services for the Department of Veterans Affairs.

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

No sources expressed interest, in writing, to Notice of Intent to Sole Source #36A77618Q9059 for the VACTHCS project.

**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 IOT&A services required are specific to the activation project listed herein. Additional IOT&A services for this activation project are not anticipated.

**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.

\_\_\_\_\_  
Patrick Hull  
Health System Administrator  
National Activations Office

\_\_\_\_\_  
Date

**13. Approvals in accordance with the [VHAPM Part 806.3 OFOC SOP](#):**

- a. **Contracting Officer Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Matthew Sheridan  
Contracting Officer  
Program Contracting Activity Central

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Jeffrey Donato  
Supervisory Contract Specialist  
Program Contracting Activity Central

\_\_\_\_\_  
Date

- c. **PCAC Director of Contracting 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 for other than full and open competition.

\_\_\_\_\_  
Richard Dahmen  
Director of Contracting

\_\_\_\_\_  
Date

Program Contracting Activity Central

- d. **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  
Acting Executive Director, SAO Central

\_\_\_\_\_  
Date