

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval (J&A)
For
Other Than Full and Open Competition (>SAT)

Acquisition Plan Action ID:

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 09, Memphis Veterans Administration Medical Center (Memphis, Tennessee), Network Contracting Office (NCO) 9. Purchase Requisition

Nature and/or Description of the Action Being Processed:

The work proposed under this action will result in an area that is compliant with the Department of Veterans Affairs, Construction and Facilities Management (CFM) design standards for high technical high cost equipment. The resulting contract action will be a Firm Fixed Price (FFP) construction contract.

The work involves incidental design and general construction for the labor, supervision, quality control, materials, tools and equipment, and supporting turn-key services necessary to prepare the site for the replacement of the existing Siemens CT at the VA Medical Center, Memphis TN. The Siemens Reference Drawings provide the manufacturer requirements for the installation of the replacement CT. The contractor shall complete the design and construction required to support the installation of the replacement CT.

Attached is a copy of the contractor's statement of capability. The Contracting Officer has determined that AAEON General Contracting, LLC possess the necessary skills, knowledge and experience to successfully perform the work, within a limited time. This JOFOC further support the findings relative to AAEON General Contracting, LLC being capable and possessing the necessary equipment, facilities and accounting infrastructure to perform this work within a limited time.

AAECON General Contracting, LLC has successfully performed multiple flooring installation and abatement work in the past at the Robley Rex VA Medical Center. AAECON General Contracting, LLC is fully capable of performing the requirements of this project without incident as the company has successfully performed on projects greater in scope and magnitude as the current project under consideration.

In accordance with Federal Acquisition Regulation (FAR) 6.302-5 "Full and open competition need not be provided for when (i) a statute expressly authorizes or requires...", and 41 United States Code (U.S.C. 3304 (a)(5)) , along with the Veterans Benefits Act of 2003 (15 U.S.C. 657 (f) provides the authority "as authorized by statute", for the Contracting Officer to pursue this type of procurement action.

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

The Contractor shall perform all work in accordance with latest Veterans Affairs Construction Guidelines for Non-recurring Maintenance (NRM) hospital renovation projects. The Contractor is responsible for the demolition, site preparation, coordination of trades and facilitation of all equipment contractor requirements necessary for the installation of a GE Big Bore CT scan. The Independent Government Cost Estimate (IGCE) is

3. Statutory Authority Permitting Other than Full and Open Competition: 41 USC §3304(a)(5), as implemented by FAR 6.302-5. "Authorized by Statute".

- ☐ (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;

4. 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 coordination and facilitation among multiple construction trades, site preparation consisting of expert knowledge with utility connections and the installation of highly technical high cost medical equipment. AAECN General Contracting is fully capable and uniquely qualified to successfully perform the requirements of this procurement action as they have successfully performed similar work in magnitude at the Robley Rex VA Medical Center in Louisville, Kentucky.

The proposed work must be accomplished by a contractor with the expertise of working in a hospital construction environment. AAECN General Contracting, LLC is a fully capable and uniquely qualified to perform the requirements of this procurement action as they have successfully performed hospital construction work in magnitude at the Robley Rex VA Medical Center. In accordance with FAR 6.302-5, proposed contract actions under this authority is authorized by statute, as the anticipated contractor is a verified SDVOSB concern.

AAECN General Contracting, LLC is a verified SDVOSB with an active registration good through February 2, 2022. The company also has an active registration in the System for Award Management (SAM) which is good through April 7, 2020. The CO has determined that AAECN General Contracting, LLC to be a qualified contractor, capable of meeting the requirements for the Replacement of Physical Therapy Flooring at the Robley Rex VAMC.

5. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: There was an insufficient amount of time for the CO to solicit this offer to multiple SDVOSB sources.

6. Determination by the CO that the Anticipated Cost to the Government will 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. The proposed price will be analyzed for the different divisions of work to be performed, and the complexity of that work if any, and will be reviewed to ensure that it reflects a clear understanding of the requirement and is consistent with the Offeror's technical proposal. The proposed price will also be compared with the IGCE.

7. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Market Research for this procurement consisted of a search of the Vendor Information Pages at

www.vip.vetbiz.va.gov, as well as a Request for Information issued on the Federal Business Opportunities website at www.fbo.gov.

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

Other facts that support the use of other than full and open competition for this procurement action, is the nature of the work is not suitable for a contractor who is not experienced in working in a hospital/healthcare environment where infection control maintenance is of highest priority.

9. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: Not Applicable

10. 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 Agency has taken the following actions in order to foster competition for this type of specialized work. Obtain a listing from manufacturers such as Siemens, Philips, GE Healthcare and other makers of high dollar medical equipment to obtain a listing of preferred vendors used for installation of equipment of this and similar type. The Contracting Officer encourages local SDVOSB companies to pursue partnerships with these manufacturers, pursue training opportunities so that they can obtain being named on the preferred vendor list. The Contracting Officer continues to facilitate the networking between local SDVOSB companies and the regional medical equipment manufacturers listed above.

11. 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.

Sheena House
Chief-Engineering
Memphis VA Medical Center

Date

12. 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.

Roxie Ann Keese
Contracting Officer
NCO 9/Robley Rex VA Medical Center

08/23/2019
Date