

Attachment 2: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 2, VA Western New York Healthcare System, 3495 Bailey Avenue, Buffalo, NY 14215.  
  
Funding document 2237 – 528-13-1-4192-0017
2. **Nature and/or Description of the Action Being Processed:** Architect Engineer Services for the procurement of Part 2 Construction Period Services and Part 3 Site Visit and Monitoring Services as a firm fixed priced contract to support the construction to Renovate Physical Therapy. The NAICS Code is 541310 with a size standard of 7 Million.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Part 2 Services are necessary for the review of construction submittals, responses to requests for information regarding the design documents and completion of as-built drawings. Part 3 Services are necessary to conduct site visits to inspect and monitor construction work to ensure the construction is being performed in accordance with drawing and specifications. The estimate value for Part 2 and 3 Services is under the simplified acquisition threshold. These services are required to support an already completed design, for which the initial designer remains professionally responsible. The estimated completion is November 4, 2013. This will allow for completion of all services including as-built drawings after completion of construction.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
  - (X) (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):**

*Only One Responsible Source and No Other Supplies or Services will satisfy Agency Requirements per FAR 6.302-1) – The VA intends to procure Parts 2 and 3 Services from TRM Architecture, Design & Planning, PC as they are the designer of record for this project. As such, they are professionally liable for the completeness and accuracy of design; therefore, are the only firm who can review and approve/disapprove construction submittals, answer request for information with respect to their design (Part 2 Services) and conduct site visits to ensure the construction is being performed in*

accordance with the drawings and specifications as designed (Part 3 Services). Note: Design services were procured from the above noted company under a separate contract which was competed on a technical basis in accordance with FAR 15, FAR 36 and VAAR 836. The statement of work for this procurement included parts 2 and 3 services. However, an option to procure part 2 and 3 services at a later date should have been included in the statement of work but was inadvertently omitted.

Procuring Parts 2 and 3 Services from a firm other than TRM Architecture, Design & Planning, PC would result in the need for additional services being purchased. The additional services required from a firm that has not designed this project are as follows: review and verification of approximately 24 design drawings and 86 specification sections and all design calculations. This firm would have to become familiar with all of the design aspects of the project to in order review approve/disapprove submittals, answer requests for information and provide inspections to ensure compliance with the design of Physical Therapy Renovations. The additional services would not be procured if TRM Architecture, Design & Planning, PC received award of Part 2 and 3 Services. Therefore, this would result in duplication of costs to the government that would not be expected to be recovered through competition.

Accordingly, TRM Architecture, Design & Planning, PC is the only firm capable of providing the services described in Section 3 above without the VA Western New York Healthcare System, Buffalo, NY experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.

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

In accordance with and FAR 5.203(a) the publication of this document 15 calendar days in advance of award shall serve as the notice of proposed contract action in as outlined in FAR 5.201.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The pricing received by TRM Architecture, Design & Planning, PC is anticipated to be fair and reasonable as their price will be compared and analyzed against a government estimate that was developed based on current market prices for these services and the competitively established rates used in Parts 1A and 1B design.

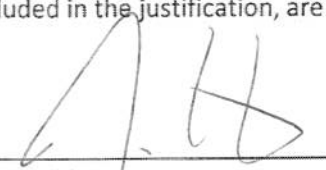
8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Market research has not been conducted as the as the firm that has already provided the design documents (drawings and specifications) for this project are professionally liable for the accuracy and completeness of their work AND procuring parts 2 and 3 services from any other source would result in a duplication of efforts and cost that would not be recovered through competition.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: Refer to item 5 above.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: None

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: Future acquisitions of Parts 2 and 3 Services will be competed and either acquired concurrently with Part 1B Design Services or the government will include options for Parts 2 and 3 Services in the statement of work which can be exercised at the Governments discretion.

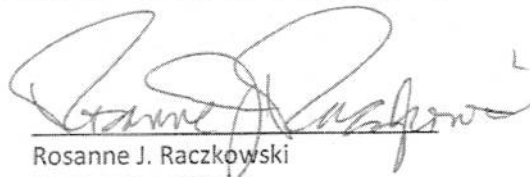
12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

  
\_\_\_\_\_  
Jason White  
Supervisory Contract Specialist  
VISN 2 NCO

12/7/12  
\_\_\_\_\_  
Date

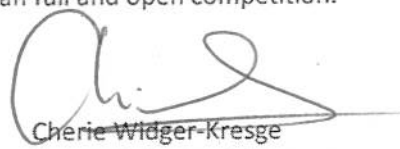
13. Approvals in accordance with FAR 6.304

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

  
\_\_\_\_\_  
Rosanne J. Raczowski  
Contracting Officer  
VISN 2 NCO

12-7-2012  
\_\_\_\_\_  
Date

b. NCM/PCM (Required \$3K and above): I certify the justification meets requirements for other than full and open competition.

  
\_\_\_\_\_  
Cherie Widger-Kresge  
Network Contract Manager  
VISN 2 NCO

12/10/2012      Date