

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 Health Care System, 3495 Bailey Ave., Buffalo, New York 14215

Funding Document 2237-528-13-1-4192-0028

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

Provide Architect/Engineer Services for Part 2 Construction Period Services and Part 3 Site Visit, plus Monitoring Services as a firm fixed price contract to support the construction to Renovate 5B at the Western New York Health Care System, Buffalo New York. 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 request for information regarding the design and specification documents. 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 and attend all construction meetings. The estimated 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 December 15, 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 and Services will satisfy Agency Requirements (FAR 6.302-1) – As the Engineer/Architect of record Roberts, Shackleton and Boy (RSB) has provided professional services and certified the accuracy of the contract documents as part of their original contractual requirements. They have performed all the applicable code analysis and engineering calculations critical to the project design and have stamped and sealed the project drawings and specifications. As such the drawings and specifications cannot be modified by law unless another engineer conducts a complete review of the documents and provides professional certification of the accuracy and completeness. RSB is currently professionally liable for the completeness and accuracy of design and calculations for HVAC, cooling, ventilation, controls, electrical distribution, critical power, fire protection, therefore, they are the only firm who can review and approve/disapprove construction submittals, answer request for information with request 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). Due to this it is not practical to engage another engineer as the time consumed in conducting this review would leave the VA vulnerable to not only operational impacts to the provision of patient care but also cost implication due to the delay of the construction contract during the solicitation, award and review process.

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.

Accordingly, RSB is the only firm capable of providing the services described in Section 3 above without the VA Western New York Health Care System, Buffalo, NY

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

None

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The pricing received by RSB 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 firm that has already provided the design documents (design and specifications) for this project and are professionally liable for the accuracy and completeness of their work. Procuring parts 2 and 3 services from any other source would result in vulnerability to the VA as well as additional cost due to reengineering that would not be recovered through competition.

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

None


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 Government 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.



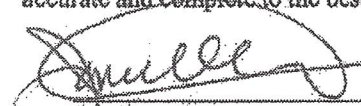
Vincent Rizzo
Chief Engineer
Western New York Health Care System,
VISN 2

3/14/13

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.



Jonathan Aikin
Contract Officer
VISN 2 NCO

3-14-13

Date

Quality Assurance: I certify the justification meets the requirements for other than full and open competition.

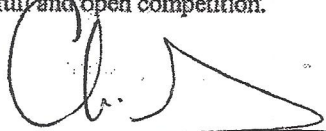


Mary Ellen Haefner
QA/Compliance Officer
VISN 2 NCO

3/20/13

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

03/19/2013

Date