

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 16, Project Legacy, Southeast Louisiana Veterans Health Care System, Veterans Affairs Medical Center, New Orleans, LA  
The VA Forms 2237, 629-13-2-6485-0001 and 629-13-2-6486-0001, are identified.
2. **Nature and/or Description of the Action Being Processed:** The nature of this action is to award a sole-source contract to Studio NOVA, the architect/engineering (AE) firm of record on the replacement medical center in New Orleans. The work involved is to prepare an art work program and incorporate the documents into the construction document submittal for the project. Work includes meeting with VAMC activation staff, and includes content development and graphical design of an art work program. The intent of this office is to award a new, firm-fixed price contract, with an estimated value of \$275,000.00 and a period of performance of 18 months.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The contractor shall provide all labor, tools, materials, supervision, equipment, and transportation for the assessment, analysis, and design of the Art Project to be incorporated into the Medical Center Complex in New Orleans. The contract would be sole source to this contractor to complete tasks that are directly related to the art work program design of the medical center. The information and data required to prepare the art work program, and architecture and engineering elements includes not only the design deliverables and work product that Studio Nova has produced as part of their existing contract, V101(183B4)-P-0020, but also draws upon the background knowledge obtained from years of continual meetings with VA (both CFM and the local VAMC) in the course of developing the design. The required NLT start date is April 15, 2013.
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):** VA awarded a contract to Studio NOVA to design the new medical center. The design effort is now nearing completion, and the VAMC is in the process of activation planning. As part of the activation and startup effort, the VAMC requested that the designers prepare an art program. This contract action would authorize and enable the designer to conduct user meetings, develop content, and design graphics for the art work program, architectural, and engineering elements. The current AE contract includes user groups and staff meetings to finalize the space plan required for the anticipated art across the replacement medical center and the campus as a whole. The meetings are an essential component of the design effort with staff suggestions. These design parameters help the flow of the medical center and are information that would require substantial research by others if not using the existing AE. The current AE possesses the unique knowledge of the campus design, having worked collaboratively with the VAMC staff over the past 5 years to develop the design of the medical center, and any other entity attempting to gather the information required to create the art program would have to conduct numerous interviews and meetings with the current AE and the VAMC staff in order to prepare the art program.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The original design contract was competed among multiple firms. This contract would allow the completion of the work started from that competition using the current designer with the hands on knowledge required to complete the required work. On May 5, 2011, the government issued a sources sought synopsis, Solicitation No. VA25611RI0462. The response time was for 14 days and zero (0) responses were received.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost of \$275,000 will be negotiated in accordance with FAR 15.4 to determine a fair and reasonable price. The contractor's audited rates as determined at the start of the AE contract for the medical center design will be utilized. The project manager and contracting officer will review the contractor's proposal and determine the hours and required disciplines based on information provided from the IGCE. The Louisiana State University Health Science Center (LSUHSC) rebuilding project currently underway adjacent to the ongoing VA Medical Complex also has a similar requirement to execute an art work program. The VA's IGCE included market research used from the LSUHSC art work program. While the LSUHSC art work program included a theme more toward the LSUHSC accomplishments in medicine, the VAMC art work program theme shall include influences from the U.S. military and its Veterans.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A Sources Sought was completed as indicated in item 8 above; and later the government began actions to modify the existing AE contract to include requirement. A SOW and an IGE was also completed prior to the initial proposals sent in and negotiations were also completed and an agreed upon price was determined before a hold on the project began. Because this type of work was not completed in the area, the IGE team used similar levels of effort to determine like costs. The sources sought action and the IGE completed were the extent of this agency's market research.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The design effort for the replacement medical center is nearing completion, and the VAMC is in the process of activation planning. As part of the activation and startup effort, the VAMC requested that the designers prepare an art work program and incorporate architectural and engineering design elements. This contract would authorize and enable the designer to conduct user meetings, develop content, and design graphics for the art work program. The development of the art work program will incorporate changes made during the final design process and cost savings ideas incorporated at time of award, will take up to eighteen months to develop, review, approve and finalize.

Bringing a new contractor onboard to perform all the work will require several meetings with Studio NOVA (current AE contractor), the medical center and staff, as well as analysis and review of existing design drawings and specifications just to become familiar with the project. There would be substantial delay, up to 180 days, accomplishing the work as the new contractor acquired the knowledge and capability of the existing design layout of the complex projects to perform the work. In addition to the performance time delay, bringing a new contractor onboard to perform the analysis would incur additional cost, as the staff would require time and labor effort to read and review the existing documents and develop working relationships with VA and CFM, and to clarify questions regarding the existing documents and proposed actions.

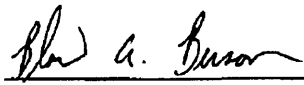
The anticipated delay amounts to 180 days; the estimated additional costs over the initial IGE of \$275K are an additional \$200K. First, a \$100K modification to the existing AE contract to provide feedback, drawings of building layouts, etc., plus an additional \$375K for a new firm to begin design of these requirements would bring total costs to an estimated \$475K. The government determined the initial IGE of \$275K based on the current AE contractor designer of record with its experience, knowledge of the complex project, and prior performance time meeting goals.

Furthermore, in order to meet the design deadlines quickly approaching along with the construction contractor, the work would need to commence immediately to become knowledgeable about the project, associated contractors and staff. Other contractors would have to identify and mobilize sufficient staff in order to meet the current schedule requirements, incurring both time and additional money.

Bringing a new contractor onboard to prepare the art work program and architectural content documents would add at least 6 months of delay in accomplishing the work. The new contractor would be required to gain the background, and review the previous documents to perform the work. In addition to the performance time delay, bringing a new contractor onboard to perform the work would incur additional cost, as the contractor staff would require time and labor effort to read and review the existing design and review documents, and would need additional meetings with VAMC staff in order to develop working relationships with VA, the designer, and local, state, and federal agencies, to clarify questions regarding the existing documents and proposed actions. Not utilizing Studio NOVA will result with additional costs and significant delays to the project. The overall financial impact to the Government if the sole source is not utilized will result in an estimated \$200K above the IGE, and a delay of at least six months.

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:** The AE Contracting Officer and current Project Design Manager have discussed methods for anticipating project requirements to avoid causing delays and adding expenses. This is part of a completion of a process that began several years ago with the user groups and designer of record for the medical center. The designer of record uses local AE firms as significant contributors to their deliverables.
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.

  
Blaine A. Benson  
Project Engineer, Project Legacy  
SLVHCS, New Orleans, LA

MAR 14, 2013  
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.

  
Gregory P. Biaville  
Contracting Officer  
Network Contracting Office 16

3/21/2013  
Date

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

  
Aaron Villalpando  
Network Contract Manager  
Network Contracting Office 16

3/22/2013  
Date