

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 Form 2237, 629-13-2-6407-0007, is 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 a facility orientation and user guide (Flowbook), 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 a user guide for employees and a tri-fold brochure for patients and visitors. The intent of this office is to award a new, firm-fixed price contract, with an estimated value of \$350,000.00 and a period of performance of 7-9 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 Flowbook 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 design of the medical center. The information and data required to prepare the Flowbook, 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 delivery date is NLT December 31, 2013.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 (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 a facility orientation and user guide for new employees, and a tri-fold informational brochure for patients and visitors. This contract action would authorize and

enable the designer to conduct user meetings, develop content, and design graphics for the user guide and architectural and engineering elements. The current AE contract includes user groups and staff meetings to finalize the space plan, and to develop the operational flow of the individual buildings and the campus as a whole. The meetings were an essential component of the design effort with staff suggestions and ideas incorporated into the design. 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 4 years to develop the design of the medical center, and any other entity attempting to gather the information required to create the user guide would have to conduct numerous interviews and meetings with the AE and the VAMC staff in order to prepare the user guide.

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 \$350,000 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 executive, design 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 a Flowbook requirement. The VA's IGCE included market research used from the LSUHSC flowbook.
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 a facility orientation and user guide for new employees, a tri-fold informational brochure for patients and visitors 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 user guide. This will provide a user guide, architectural and design elements which the medical center will use for employee orientation to the campus as well as to each department that includes listing of services, floor plans, departmental layouts, typical room pictures, and both patient and

staff flow patterns. It is a product for orienting all staff to the building and their specific departments and is a product that the Medical Center will need. The user guide is also a tool used extensively during the recruitment period for the Medical Center. Recruitment is scheduled to begin next summer to obtain scarce, top tier medical personnel and staff. The development of the user guide, which will incorporate changes made during the final design process and cost savings ideas incorporated at time of award, will take up to six months to develop, review, approve and finalize. With recruitment of medical center personnel beginning the summer of 2013, the VAMC needs to start the user guide development now to have it available at that time of recruitment.

Because this facility requires so many new hires (over 1,000 new employees), and is for a completely new campus, the local VAMC has an exceptionally challenging task of orienting new employees to their new facility. The VAMC on-boarding process includes not only hiring, but also training the new employees to ensure the facility is fully-functioning on the first day of opening. Thus, the user guide needs to be available ahead of the facility completion. The VAMC intends to start on-boarding process in a few months. As the user guide is both a recruiting and training tool for the VAMC in the hiring process, the VAMC has a present and immediate need for the user guide.

Bringing a new contractor onboard to perform all the work will require extensive 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 \$300K are an additional \$450K. First, a \$200K modification to the existing AE contract to provide feedback, drawings of building layouts, etc., plus an additional \$550K for a new firm to begin design of these requirements would bring total costs to an estimated \$750K. The government determined the initial IGE of \$300K 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 hiring deadlines quickly approaching, 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.

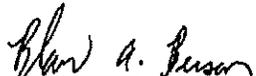
Bringing a new contractor onboard to prepare the flow book, user guide, architectural and engineering content documents would add at least 6 months of delay in accomplishing the work. The new contractor would be required to gain the background, and review the previous documents to perform the work. In 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 \$450K 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

MARCH 5, 2013
Date

13. **Approvals in accordance with FAR 6.304**

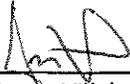
a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Gregory D. Diaville
Contracting Officer
Network Contracting Office 16

3/6/2013
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

3/6/2013

Date