

DEPARTMENT OF VETERANS AFFAIRS**Justification and Approval
for
Other Than Full and Open Competition****1. Contracting Activity:**

Department of Veterans Affairs
Network Contract Office 12, NCO 12
Great Lakes Acquisition Center
115 South 84th Street, Suite 101
Milwaukee, WI 53214-1476

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

Jesse Brown VAMC, Chicago, Illinois has a requirement to complete critical corrections to the electric power and lighting systems, as well as the HVAC ventilation/filtration system for the entire Surgical Suite at Jesse Brown VAMC. For this new requirement, NCO 12 proposes to establish a firm fixed price contract with Industria, Inc, a Center for Enterprise (CVE) Service Disabled Veteran Owned Small Business (SDVOSB) under the Statutory Authority Permitting Other than Full and Open Competition FAR 6.302-5. P. L. 109-461 by a Request for Proposal RFP under FAR Part 15. Estimated value \$3,500,000.00.

3. Description of Supplies/Services Required to Meet Agency Needs:

Work includes installation of isolation power panels in each operating room; remove power distribution systems which previously fed laser equipment outlets (de-energized and disconnected due to certain hazards); provide new power distribution systems for laser and other surgical equipment; remove temporary grounding provisions and install permanent compliant systems for equipment, all in accordance with the National Electric Code. Remove and replace all lighting fixtures in the Protective Environment (PE) with units which enable isolation of the PE from unprotected above-ceiling space; remove and replace all fire sprinkler heads with units which enable isolation of the PE from unprotected above-ceiling space. Reconfigure HVAC ventilation supply system to include HEPA air filtration for each PE. Replace HVAC fan motor with unit rated for the demand/compliance of the space; modify HVAC controls to enable bypass-control of the system in the event of control circuit board failure. This work will be completed in eight operating rooms, the sterile core area, and storage areas. This project will restore the full use of the eight operating rooms and associated surgical laser systems after the loss of normal and emergency power to the entire Surgical Suite.

Total project duration is approximately 90 -180 calendar days. Duration is dependent on submittal review, lead time for equipment, and construction phasing of required electrical and OR shutdowns.

Required Delivery Date: ASAP-The facility is referring critical cases to other facilities at significant expense and non-critical surgical care is being postponed or referred out.

4. **Statutory Authority Permitting Other than Full and Open Competition:**
In accordance with 41 USC §253(c) (1), as implemented by FAR 6.302:

(X) FAR 6.302-5: Authorized or Required by Statute

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

Industria, Inc. is registered as a CVE verified SDVOSB in VetBiz as of 3/8/2012. Through a task order on an existing IDIQ JOC Contract at Jesse Brown VAMC, Industria was involved with the initial forensic assessment of the electrical power systems, providing electricians and technicians for the contracted AE firm to identify the electrical problems which caused the loss of normal and emergency power in the surgical suites. As directed by the AE, Industria disabled all circuitry deemed as unsafe or dangerous, replaced existing non-code cabling, traced and marked all power and lighting circuits in the OR, isolated power panels, replaced loaded circuits, and investigated back-up unit batteries. Additionally, Industria supported the AE with HVAC technicians when code violations and installation deficiencies were identified with the OR HVAC system.

Due to Industria extensive knowledge of the project through providing support to the assessment AE and their complete knowledge of corrective work previously completed and work that is required to complete all the corrections, delays will be minimized and be more cost effective. It is expected that significant cost savings will be realized by continuing to utilize this contractor.

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

There were no other vendors considered, as it is in the best interest of the Government to award this project as a sole source award and is authorized by statute, VAAR Part 819.7007 and 819.7008 Sole Source Awards to SDVOSB and FAR 6.302. A determination that only one SDVOSB concern is available to meet the requirements is not required. The anticipated award price of the contract will exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) but will not exceed \$5,000,000.

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

An Independent Government Estimate (IGE) has been prepared. A detailed cost breakdown will be provided by the contractor. Costs will be evaluated to determine that the proposed price is fair and reasonable and reflects reasonable value.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

Market research was conducted in VetBiz to determine if other qualified CVE SDVOSB contractors would be able to meet the needs of this project. Although there are other CVE

SDVOSB listed under the applicable NAICS code, it is the contracting officer's determination that it is in the best interest of the Government to procure the construction services as a sole source procurement.

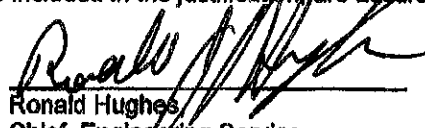
9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

Industria is already mobilized on site completing other associated projects. Industria has completed other projects at the facility and provided exceptional service at a fair and reasonable price. Industria will self-perform by utilizing the project labor agreement with the local electrician's union and/or utilize other SDVOSB subcontractors to fulfill the SDVOSB performance requirement.

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: None

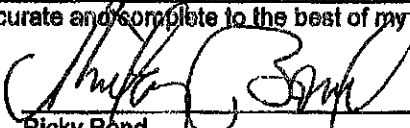
12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and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


Ronald Hughes
Chief, Engineering Service
Jesse Brown VAMC

10/22/2012
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.


Ricky Bond
Supervisory Contracting Officer
NCO 12

10/22/12
Date

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


Christine Hansen
Network Contract Manager
NCO 12

10/22/2012
Date

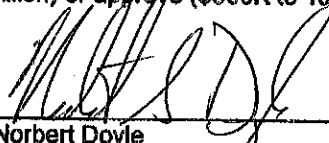
c. SAO (If over \$500K): I certify the justification meets requirements for other than full and open competition.


Rick Lemmon

10/25/12
Date

Acting SAO Director, Central Region
SAO Central

- d. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$10million) or approve (\$500K to 10 million) for other than full and open competition.



Norbert Doyle
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

12/20/12

Date