

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 – 528-13-3-4192-0107

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 for **Critical Electric System Expansion Wings B & C**. The NAICS Code is 541330 with a size standard of \$14 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 the drawings and specifications. The estimate value for Part 2 and 3 Services is between \$25,000. and \$100,000. These services are required to support an already completed design, for which the designer, Cannon Design, Inc., 2170 Whitehaven Rd., Grand Island, NY 14072 remains professionally responsible. The estimated completion is September 30, 2014. 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 Cannon Design, Inc. 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). This project involves significant modifications to the medical center's Critical Electric system (*emergency backed up patient care outlets and lights*) that serve highly sensitive critical patient care areas (Intensive Care Unit, Surgical Suites & Inpatient Medical Wards). As such it is imperative that the designer of record review the contractor's equipment selections, phasing plan and breaker coordination settings and also be on site for equipment startup as they are intimately familiar with the design and coordination of the over-current protective devices. Note: Design services were procured from the above noted company under a separate contract in 2009.

Procuring Parts 2 and 3 Services from a firm other than Cannon Design, Inc. 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 24 design drawings and 56 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 Critical Electric System Expansion Wings B & C. The additional services would not be procured if Cannon Design, Inc. 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, Cannon Design 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 Cannon Design, Inc. 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.
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.

13. Approvals in accordance with FAR 6.304

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



Jeffrey Reberholt
General Engineer, COR, VISN 2

6/5/2013

Date

14. Approvals in accordance with FAR 6.304

- b. Contracting Officer's Certification : I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

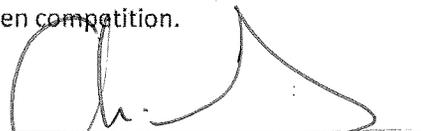


Rosanne J. Raczkowski
Contracting Officer, NCO 2

6-5-2013

Date

- c. NCM/PCM Certification: I certify the justification meets requirements for other than full and open competition.



Cherie Widger-Kresge
Network Contract Manager, NCO 2

06/05/2013

Date

