DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)
For Other Than Full and Open Competition (>SAT)

Acquisition Plan Action ID: [redacted]

I. Contracting Activity:
Department of Veterans Affairs, VISN 07, Ralph H. Johnson VA Health Care System (RHJ VAHCS). Administration of the contract will be performed by the Network Contracting Office (NCO) 7, Construction Team. [redacted]

II. Nature and/or Description of the Action Being Approved:
Project 534-24-102 | Renovate SPS Spaces, Ralph H. Johnson VA Medical Center, Charleston, SC. This is a new, standalone firm-fixed-price (FFP) sole source Architect-Engineer (A/E) contract [redacted]) awarded to Miller-Remick LLC for Construction Period Services (CPS) and site visits. The contract is not a modification to any prior contract. The contract scope includes: Part II - Construction Period Services, encompassing submittal reviews, RFI responses, commissioning, and preparation of as-built drawings; and Part III - Site Visits (minimum 8 visits) for on-site construction observations and field testing. [redacted] The contract is executed as a Firm-Fixed-Price arrangement, consistent with RFO 36.101-1(b)(1).

III. Description of Supplies/Services Required to Meet the Agency's Needs:
The VA requires professional Architect-Engineer Construction Period Services (CPS) for Project 534-24-102, Renovate SPS Spaces, at the Ralph H. Johnson VA Medical Center. The A/E services consist of two parts:

Part II - Construction Period Services: Participation in pre-bid and pre-construction conferences; responding to bid Requests for Information (RFIs); reviewing and responding to construction submittals and shop drawings within 5 business days of receipt; responding to contractor RFIs and proposals within 10 business days; commissioning of all fire protection, plumbing, HVAC, electrical, communications, and electronic safety and security systems supporting the SPS space; and preparation of record drawings based on contractor-supplied red-line as-builts. Pursuant to RFO 36.102-4(b), the contract includes FAR clauses 52.236-23 (Responsibility of the Architect-Engineer Contractor) and 52.236-24 (Work Oversight in Architect-Engineer Contracts).

Part III - Site Visits: A minimum of 8 site visits inclusive of the pre-construction meeting, to observe construction progress, perform field testing, and verify conformance to plans and specifications.

[redacted]

[redacted] The Period of Performance will align with the construction timeline of 360 days after NTP.

IV. Statutory Authority Permitting Other than Full and Open Competition:

The following statutory authority is cited for this acquisition:

> **(X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per 41 USC §3304(a)(1) as implemented by RFO 6.103-1.**

Additionally, the Veterans First Contracting Program under 38 U.S.C. §8127(b) authorizes sole source awards to verified Service-Disabled Veteran-Owned Small Businesses (SDVOSBs) per VAAR 819.7008 (DEVIATION) for awards up to $5,000,000.[redacted]

V. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (Applicability of Authority):

Miller-Remick LLC is the only responsible source capable of providing the required Construction Period Services without causing substantial duplication of cost or unacceptable delays because they are the original Designer of Record for Project 534-24-102 and possess exclusive knowledge of the project's technical decisions, system interdependencies, and code compliance; the work involves Sterile Processing Services, a critical healthcare environment where misinterpretation of the design by any alternate firm could create safety risks and costly rework; onboarding another A/E firm would require a full independent review and re-certification of the design, resulting in unrecoverable additional costs; introducing a new firm would also delay construction start due to procurement lead time and required design familiarization; and continuity of professional liability under FAR 52.236-23 necessitates retaining the DOR to ensure a single point of accountability and timely resolution of design issues. Therefore, Miller-Remick LLC is the only firm capable of providing these services without the VA incurring substantial additional costs or delays, and they must maintain verified SDVOSB status per VAAR 819.7003 prior to award.

VI. Description of Efforts Made to Ensure That Offers Are Solicited From as Many Potential Sources as Possible (including whether a notice was or will be publicized as required by RFO Part 5):

The following efforts were made to solicit offers from as many sources as practicable: A Pre-Solicitation Notice 36C24726R0109 announcing the Government's intent to award on a sole source basis was posted on SAM.gov in accordance with RFO 36.102-1 and RFO 5.101, providing public notice and an opportunity for interested parties to respond. Market research conducted through the SBA Small Business Search under NAICS 541330 confirmed that although multiple SDVOSB firms offer general A/E

[redacted]

Services, no other firm served as the Designer of Record for Project 534-24-102 or holds the project-specific knowledge needed to perform CPS without significant onboarding cost and schedule risk. The proposed action was properly synopsized under RFO 5.101, and because A/E services are procured using qualifications-based selection under RFO Part 36, the full and open competition requirements of RFO Part 6 do not apply per RFO 6.001(b); the J&A will be posted on SAM.gov after award as required by RFO 6.301.

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

The Contracting Officer has determined that the anticipated cost to the Government for this sole source award will be fair and reasonable based on the following: An Independent Government Cost Estimate [redacted] was prepared prior to negotiations based on a detailed analysis of the A/E requirements. The price analysis will compare the contractor's proposed price to the IGCE and to prices from similar A/E Construction Period Services as the primary evaluation methods. The Contracting Officer may identify specialized tasks and share limited portions of the Government estimate as needed to negotiate a fair and reasonable price, and certified cost or pricing data are not required because the estimated value is below the applicable threshold. [redacted]

VIII. 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 accordance with RFO Part 10 and VAAR 810.001-70, as follows: A review of the SBA Small Business Search under NAICS 541330 identified several SDVOSB firms offering general A/E services; however, none served as the Designer of Record for Project 534-24-102 or possess the project-specific design knowledge needed to perform CPS without significant onboarding cost or schedule impact. Market research also included public synopsis of the proposed acquisition at SAM.gov, which notified industry and invited any interested parties to respond. In accordance with VAAR 819.7008, the Contracting Officer is authorized to issue a sole-source award to a verified SDVOSB for actions up to $5,000,000, and [redacted] falls within this authority. Miller-Remick LLC is a verified SDVOSB. The Buy American Act and Trade Agreements Act do not apply because the requirement consists solely of domestic architect-engineer professional services.

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

The following additional facts support the sole source award to Miller-Remick LLC: This acquisition re-establishes A/E services with the original Designer of Record for a construction-ready project. The construction contract is imminent, and CPS must be available at or before the construction Notice to Proceed to ensure uninterrupted project delivery. The SPS renovation occurs in a clinically sensitive environment where design accuracy and DOR accountability are essential to minimizing patient safety risks during

[redacted]

construction. No other firm can provide equivalent oversight without significant risk of design misinterpretation in a critical healthcare space. Retaining the DOR also ensures professional continuity and a single point of accountability for any design issues that may arise during construction. Specifications suitable for full and open competition have not been developed because this requirement, the continuation of CPS by the original DOR for a specific construction-ready design package, is inherently unique. A generic statement of work could not capture the project-specific design knowledge needed without altering the requirement in a way that would not meet the agency's actual needs.

X. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:
Miller-Remick LLC (Designer of Record), 1040 North Kings Highway, Suite 700, Cherry Hill, NJ 08034.

XI. 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 A/E requirements for this facility will be procured using qualifications-based selection procedures in accordance with the Brooks Act and applicable RFO Part 36 processes, including evaluation board review, selection authority determination, and negotiation with the most highly qualified firm. The VA will also consider set-aside opportunities for SDVOSBs and VOSBs under the Veterans First Contracting Program to promote competition among veteran-owned firms. No follow-on sole source for CPS is anticipated, as this requirement is a one-time, project-specific effort tied to a single construction contract.

XIII. Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:

Contracting Officer Certification (Required):
I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

[redacted]

Name Date
Terrence McMillan
Contracting Officer, NCO 7

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