


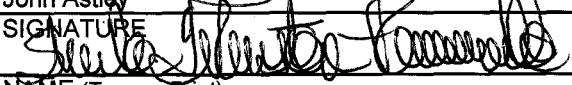
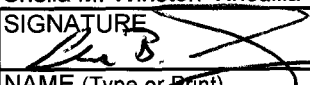


**JUSTIFICATION REVIEW DOCUMENT FOR OTHER THAN FULL AND OPEN COMPETITION**

CONTROL NO. NAE-15-05

<b>PROJECT: Design to Renovate Building #15, US Army Natick Soldier Systems Center (SSC) Natick, MA</b>		
<b>AUTHORITY:</b> 6.302-1(a)(2)(iii)		<b>AMOUNT: \$350,000</b>
<b>Prepared By:</b>	NAME (Type or Print) Robert Leitch	TELEPHONE NO 978-318-8033
	TITLE Project Manager	DATE 12/22/2014
<b>Contracting Officer</b>  Same as 13 & 14 in J&A	NAME (Type or Print) Jessica M. Kidd	TELEPHONE NO 978-318-8699
	TITLE Contracting Officer	DATE 12/22/2014
<b>Technical</b>	NAME (Type or Print) William Thievon	TELEPHONE NO 978-318-8503
	TITLE Technical Lead	DATE 12/22/2014
<b>Requirements</b>	NAME (Type or Print) Scott E. Acone, P.E.	TELEPHONE NO 978-318-8162
	TITLE Chief, Engineering/Planning Division	DATE 12/22/2014

**SIGNATURES ARE REQUIRED BELOW:**

<b>I have reviewed this J&amp;A and find the justification adequate to support other than full and open competition</b>		
<b>Deputy for Small Business</b>	SIGNATURE 	DATE 12/30/14
	NAME (Type or Print) Eva Marie D'Antuono	TELEPHONE NO 978-318-8427
<b>Project Manager*</b> If no PM, use N/A	SIGNATURE 	DATE 1/6/15
	NAME (Type or Print) Robert Leitch	TELEPHONE NO 978-318-8033
<b>Office of Counsel</b>	SIGNATURE 	DATE 12/30/2014
	NAME (Type or Print) John Astley	TELEPHONE NO 978-318-8244
<b>DCC/CCC Contracting Chf</b>	SIGNATURE 	DATE 12/22/14
	NAME (Type or Print) Sheila M. Winston-Vincuilla	TELEPHONE NO 978-318-8159
<b>Field Competition Advocate</b>	SIGNATURE 	DATE 19 Dec '14
	NAME (Type or Print) LTC Charles Gray	TELEPHONE NO 978-318-8222

\* Subject to comments previously provided by Counsel on 12/19.  
Assume we received only one comment to WOZ. \*

**JUSTIFICATION AND APPROVAL  
FOR OTHER THAN FULL AND OPEN COMPETITION**

**FOR:  
Design to Renovate Building #15,  
US Army Natick Soldier Systems Center (SSC)  
Natick, MA**

**Minuteman Design Venture LLC**

**In Support of  
Soldier Systems Center (SSC), Natick, MA**

**CONTRACTING DIVISION  
U.S. Army Corps of Engineers  
New England District**

**19 December 2014**

**JUSTIFICATION AND APPROVAL  
FOR OTHER THAN FULL AND OPEN COMPETITION**

**1. CONTRACTING ACTIVITY:**

The U.S. Army Corps of Engineers Contracting Office, New England District, 696 Virginia Road, Concord, MA 01742.

**2. DESCRIPTION OF ACTION:**

The action being proposed is a sole source, firm fixed price, new stand alone 'C' architect-engineer (AE) contract with Minuteman Design Venture LLC, through the issuance of solicitation W912WJ-15-R-0007. The action is required to perform AE services to design and prepare complete bid documents to renovate Building #15 of the US Army Natick Soldier Systems Center (Natick SSC) to latest code requirements and to Department of Army barracks standards to the greatest extent practicable, as well as make other building improvements and upgrades. Construction phase services may also be required. O&M funding is available and estimated in the amount of \$250,000.00 to prepare completed bid documents for the design of the Renovate Building #15 project. An additional \$100,000.00 is not currently funded but represents options identified in the scope of work which are an extension or continuation of the work for construction phase services and additional in-scope design work required to mitigate mold hazards.

Minuteman Design Ventures LLC (Minuteman) was awarded Task Order 0008 under its W912WJ-12-D-0001 IDIQ AE contract for the purpose of preparing a complete design and preparation of bidding documents for the renovation of Building #15 in Fiscal Year 2014 (FY14). Prior to issuance of task order 0008, as a result of administrative inadvertence, an option to extend the IDIQ contract was not timely exercised. Task order 0008 was within the scope, within the maximum value of the IDIQ contract, and within the potential ordering period of the IDIQ contract had the options been exercised timely. In the interest of transparency, in an abundance of caution, and to prevent any continued actual or apparent irregularities, the Government is terminating for convenience IDIQ W912WJ-12-D-0001 and replacing it with a new stand alone 'C' architect-engineer (AE) contract. Mold investigation is additional work not included in the original task order's SOW. The Contracting Officer determined that the mold investigation work was in-scope and USACE was in the process of completing an in-scope modification to the task order (i.e. issued an RFP, received proposals and drafted a modified SOW to the original task order) but did not execute the modification when it was determined that a new contract needed to be issued.

This action is identified solely as a means to perform AE design and construction phase services to support Building #15 renovation at Natick SSC. Minuteman will not perform work for any other project or program under this specific contract action. The estimated \$350,000.00 is an approximate figure based upon a reasonable government estimate on the remaining work from the original contract task order plus additional work to conduct a detailed mold investigation which is within the scope of the original contract task order. The estimate is based upon historical data and includes all costs associated with the contract, including contingencies. The actual price will be negotiated in accordance with the request for proposal process and in accordance with the scope of work.

### **3. DESCRIPTION OF SUPPLIES/SERVICES:**

The work will consist of preparing a completed set of design plans and specifications for the award of a construction project to renovate and upgrade Building 15 at Natick SSC to the most recent codes and standards. This shall be a sole source, firm fixed price, new stand alone 'C' AE contract, approximately \$250,000 (with \$100,000.00 in optional tasks for construction phase services and mold mitigation). The period of performance shall be approximately 270 calendar days from the Notice to Proceed. The optional task for additional construction phase services will be included, but not exercised at the time of contract award for support throughout the construction process including, but not limited to: responding to requests for information/support by the Resident Office overseeing construction, reviewing shop drawings, and performing site visits.

### **4. AUTHORITY CITED:**

10 U.S.C. 2304(c)(1), as implemented by FAR 6.302-1(a)(2)(iii), Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements

### **5. REASON FOR AUTHORITY CITED:**

#### **(1) Background:**

Building 15 is a multi-use facility consisting of two main wings and an addition presently used as:

1. Barracks for unaccompanied soldiers permanently assigned to Natick SSC
2. Barracks for unaccompanied soldiers who reside there on a short term (transient) basis
3. Dining Facility (DFAC) for soldiers
4. Offices for civilian and military staff

Each of the wings and the addition were built at different times and as a result contain unique systems, layouts, functions, and structural systems.

The facility has not been significantly renovated in over 10 years and, as a result, consists of inadequate, outdated, and non-compliant building systems. The building also has a significant mold issue that must be addressed and resolved due to the potential health hazards. Various "piece-meal" updates have been made such as changing light fixtures, updating kitchenettes, and changing functions/use of various rooms. There are no accurate as-built documents due to the changes that have been made over the years, and, as a result, the facility presents unique challenges to designing a renovation which require a thorough understanding and knowledge of the specific existing conditions, which can only be gained through hands-on, direct investigation and study of the building.

Minuteman Design Ventures LLC (Minuteman) was awarded Task Order 0008 under its W912WJ-12-D-0001 IDIQ AE contract for the purpose of preparing a complete design and preparation of bidding documents for the renovation of Building #15 in Fiscal Year (FY14) 2014. The renovation effort requires bringing the barracks portions of the building into compliance with the latest code requirements and standards, eliminating the mold hazards, and studying existing building systems throughout the structure, all while eliminating, to the maximum extent possible, interference with the dining facility and offices. This project requires designers and design reviewers to identify and incorporate solutions based on the significant site constraints while meeting all of USACE, Natick SSC, and other DoD requirements.

The scope of work for this effort is required by March 2015 to allow for the award of a construction project in FY2015 with anticipated completion of the construction by FY2017. These construction funds are programmed in FY2015, and Natick SSC risks losing this funding if it is not obligated.

Prior to the termination for convenience of the Government of this task order, Minuteman completed the site investigations and initial design, consisting of approximately 25% of the value of the required services as the designer-of-record. Through this effort, Minuteman developed significant expertise and knowledge of the unique characteristics of the facility. The resulting institutional knowledge and irreplaceable skill set necessary for them to successfully complete the design for the project make them uniquely capable of completing this project.

**(2) Justification:**

Minuteman's successful completion of work to date for this project demonstrates its unique, specific, and detailed knowledge of the requirements associated with the this project, including:

- familiarity with site constraints such as topography
- environmental considerations
- user, building occupant, and installation requirements
- local regulations and requirements

Minuteman has performed all of the design services for this project to date, and has therefore attained unique and detailed knowledge of the specific requirements associated with this project. The design is only partially complete, and Minuteman is the only responsible source that can efficiently and effectively complete the design within the Government's constraints for scope, cost, and schedule. In addition, if the optional construction phase services are awarded, Minuteman can utilize its experience with the specific design of this facility to most efficiently ensure that the construction meets the prescribed design requirements.

If this project is solicited competitively, there will be unacceptable delays to the completion of the work, along with duplication of costs that will not be recovered through competition. These costs include effort by the Government and by a new AE for the following:

- development of a new solicitation and procurement of a new contract: ~\$35,000
- contractor orientation, initial kickoff meeting: ~\$8,000
- validation of previous work: ~\$10,000
- documentation of existing conditions and site investigations/building evaluations: ~\$20,000

Additionally, the impact of delays to Natick SSC's construction and maintenance program will cause significant ripple effects to funding and completion of other projects and to their ability to execute their mission. Should a different contractor be selected as a result of such a solicitation:

- the level of risk and uncertainty for project completion would substantially increase due to the lack of experience working not only at Natick SSC, but potentially with the US Government; and
- time and money would be spent "relearning" the existing conditions and establishing the necessary baselines before design could commence

These impacts could not be successfully mitigated or addressed at this stage of the project.

Accordingly, Minuteman is the only responsible source to complete the services in terms of total cost, schedule, and product quality for this project.

**(3) Impact:**

If this Justification and Approval is not approved, there will be a duplication of costs as explained above and there will be unacceptable delays in the completion of the design, due to duplication of work already performed, and delays to the subsequent construction project, putting the ability to obligate programmed funds at risk and potentially causing undo impact to Natick SSC's program and associated mission.

The New England District estimates the delays and impacts associated with openly competing a new requirement would be up to approximately one year:

- Five (5) months for soliciting and awarding a new A/E contract (EP 715-17, Appendix 7 indicates a typical duration for the solicitation and award of an A/E contract is 145 days)
- Three (3) months for the awardee to develop the necessary background and skill sets necessary to familiarize itself with the project specifications, military construction procedures, installation regulations, and USACE design requirements to effectively apply the required design concepts and specifications through extensive sharing of lessons learned, intense collaboration and face to face meetings with USACE and Natick SSC officials
- Three (3) months to revalidate the effort already in place by verifying all program information, concept development, and site investigations.

This would eliminate any potential to award the construction contract in FY15.

If the design cannot be completed this FY, NSSC's mission would continue to be degraded, impacting their ability to provide a safe environment for service members and civilians.

Impacts include:

- The installation would incur additional costs operating and maintaining equipment which is beyond its functioning design life.
- Higher risk of major system failures which would compound the indoor air quality issues, increased health and safety concerns, and potentially make the facility unusable.
- The installation would be required to divert manpower resources to this building, degrading services to other facilities and occupants.
- The installation would lose funding programmed to renovate this building, further impacting their operations and maintenance budget.
- Civilians and military members would continue to work – and live - in potentially unsafe conditions due to an unresolved mold issue.
- Quality of Life for soldiers assigned to the billeting would suffer due to inadequate and substandard living quarters.

**(4) Alternatives:**

If this J&A is not approved, any of the alternatives discussed below would be the cause of unacceptable delays to the construction project impacting the installation's ability to use the facility and their operations. Additionally, the Government would incur substantial costs associated with delays to the construction work caused by the Government.

- (1) Alternative 1 - Use of In-house Resources: New England District's engineers are not familiar enough with the design or the design intent to design and prepare complete bid documents or accurately respond to RFIs and perform submittal reviews. Further, New England District does not have the engineering resources available to complete this work without causing significant delays to the construction project and severely impacting NAE's current on-going design efforts with unacceptable impacts to customers.
- (2) Alternative 2 – Use of USACE Resources from Other Districts: A request for design help has been made to the other districts within North Atlantic Division. At this time no other district has replied that they have available resources to support New England District with its need for design related assistance. Additionally, engineers from another district would be completely unfamiliar with the design and the design intent and it would be very difficult for them to engage in the work without significant time expenditure.
- (3) Alternative 3: Use of an Existing IDIQ Contract from Another District: Concerning use of another A/E firm currently under contract to another district and awarding a task order, the New England District estimates the delays and impacts associated with award of new task order would be up to approximately six months:

One month to determine current IDIQ contracts available through other districts, determine the allowable scope of work for each IDIQ contract, determine the available capacity remaining on each IDIQ contract, and formally requesting and borrowing capacity under the IDIQ contract.

Two months for soliciting and awarding a new task order including preparation of an RFP and Statement of Work, preparation and approval of an IGE, preparation and submission of A/E's proposal, preparation and approval of a Pre-Negotiations Objectives Memorandum, negotiations between representatives of the Government and the A/E, preparation and approval of a Post-Negotiations Memorandum, and award of the task order.

Three months for the awardee to develop the necessary background and skill sets necessary to familiarize itself with the awarded project design documents, military construction requirements, and installation regulations, to effectively be able to respond to RFIs and review submittals from the Contractor within the time requirements in the contract

Although full and open competition may appear to be suitable, the delays and impacts mentioned above would cause significant additional costs. Approval of this Justification and Approval for a sole source, new stand alone 'C' contract would avoid the unacceptable delays and impacts outlined above.

## **6. EFFORTS TO OBTAIN COMPETITION:**

As stated in paragraph 5, above, Minuteman is the only responsible source to complete the remaining work that can provide the most efficient and effective approach for the Government to

obtain construction in accordance with USACE's complicated design and strict schedule requirements in support of Natick SSC. A full and open competition for this action would introduce unacceptable delays in design and construction. Although a secondary consideration, full and open competition would result in a substantial duplication of costs to the Government that would not be expected to be recovered through such competition.

#### **7. ACTIONS TO INCREASE COMPETITION:**

The New England District (NAE) has a sustained requirement to provide general design services in support of our customers. NAE is both a military and civil works design district and also provides design support for IIS customers such as the Veterans Administration and Customs and Border Patrol. New England is one of two designated HTRW Design Centers for the North Atlantic Division (NAD).

New England District has just started the process of soliciting for additional General Design Services A-E IDIQ contracts. The contracts to be acquired are to replace three recently lapsed General Design A-E IDIQ contracts. Our conceptual approach will be to solicit three new contracts with a total value of \$18M (initial estimate). These will include two Small Business set-aside IDIQ contracts valued at \$5M each, and one unrestricted contract at a value of \$8M. These contract values are comparable to the ones that have lapsed (two Small Business set-asides = \$3.5 M each, and one unrestricted = \$10 M) with adjustments made based on expected utilization. All new contracts will have a five-year ordering period.

Solicitation is expected to be issued in third quarter of FY15 following completion of market research and development of an acquisition strategy. The procurement method will be competitive, with a request for proposals issued under Brooks Act processes. Award is anticipated in first quarter of FY 16.

#### **8. MARKET RESEARCH:**

A Notice of Intent to award a sole source follow-on contract was synopsized on December 4, 2014, and published for the required fifteen days on Federal Business Opportunities. Past history and market research indicates that there are AEs with design and construction phase services experience, but no other contractor will be able to address specific site issues and facility specifications, while also accommodating the programmatic needs of Natick SSC by meeting the construction phase deadline in a timely (and cost effective) manner. This Justification and Approval for other than full and open competition will be made publicly available on the Federal Business Opportunities website.

#### **9. INTERESTED SOURCES:**

This is a stand-alone contract for design services necessary to complete the renovation of Building #15 at Natick SSC. Results from the published Notice of Intent, 4 December 2014, resulted in one response from Corzilius, Matuszewski, Krause Architects Professional Association of Manchester, NH. In the email from the respondent they stated that they had experience in architectural services. Evaluation of the respondent indicates there would be unacceptable delays and substantial duplication of costs (from a time, financial, customer satisfaction, and overall project quality standpoint) that would not be recovered if this action was competitively awarded. Corzilius, Matuszewski, Krause Architects Professional Association of Manchester, NH would need an estimated 5 months timeframe to compete for contract award and 3 months to familiarize themselves with the project specifications, resulting in a design delay of



approximately 8 months. This would result in a delayed construction award that does not meet the project requirements and jeopardizes the project funding, as discussed above. Additionally, a competitively awarded contract, if issued to Corzilius, Matuszewski, Krause Architects Professional Association would result in costs increases of approximately \$73,000.00, as discussed above.

As stated in paragraph 7 of this Justification and Approval, there will be opportunities for interested sources to participate in future acquisitions.

**10. OTHER FACTS:**

The need for this Justification and Approval is based on the need for Minuteman LLC to perform the design services, based on the specialized experience and capability they possess. Minuteman was previously awarded the original IDIQ Contract, W912WJ-12-D-0001, for AE services, Task Order 0008, specifically for the design of the renovation of Building #15 at Natick SSC.

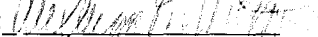
**11. TECHNICAL CERTIFICATION:** Include the following statement:

I certify 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.

NAME: William R. Thievon

DATE: 1/6/2015

TITLE: Engineering Tech Lead

SIGNATURE: 


**12. REQUIREMENTS CERTIFICATION:**

I certify 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.

NAME: Scott E. Acone, P.E.

DATE: 6 January 2015

TITLE: Chief, Engineering/Planning Division

SIGNATURE: 

**13. FAIR AND REASONABLE COST DETERMINATION:**

I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable. Proposed prices will be compared to the independent government estimate that has been developed using historic costs for similar projects. Certified cost or pricing data will be requested if determined to be necessary.

NAME: Jessica M. Kidd

DATE: 1/6/2015

TITLE: Contracting Officer

SIGNATURE: 

**14. CONTRACTING OFFICER CERTIFICATION:**

I certify that this J&A is accurate and complete to the best of my knowledge and belief.

NAME: Jessica M. Kidd

DATE: 1/6/2015

TITLE: Contracting Officer

SIGNATURE: 

**APPROVAL**

Based on the foregoing justification, I hereby approve the procurement of a firm fixed price, new stand alone 'C' Architect Engineer contract with Minuteman Design Venture LLC on an other than full and open competition basis pursuant to the authority of 10 U.S.C. 2304(c)(1), subject to the availability of funds, and provided the services herein described have otherwise been authorized for acquisition.

NAME: Jessica M. Kidd

DATE: 1/6/2015

TITLE: Contracting Officer

SIGNATURE: Jessica M. Kidd