



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND WASHINGTON
OICC BETHESDA
8901 WISCONSIN AVENUE, OICC TRAILER
BETHESDA, MARYLAND 20889-5601

IN REPLY REFER TO:

16 November 2009

JUSTIFICATION AND AUTHORIZATION FOR OTHER THAN FULL AND OPEN
COMPETITION FOR THE
Design Build RFP for the Multi-Use Parking Garage
National Naval Medical Center, Bethesda, MD

**1. IDENTIFICATION OF THE AGENCY AND THE CONTRACTING
ACTIVITY- FAR 6.303-2(a)(1):**

The agency is OICC Bethesda, NAVFAC Washington

**2. NATURES AND/ OR DESCRIPTION OF ACTION BEING APPROVED-
FAR 6.303-2(a)(2):**

This proposed contract action, based on other than full and open competition will be a firm-fixed price, sole source award to HSMM/HOK for Design-Build RFP development and Post Award Construction Services (PCAS). This effort is BRAC funded and the cost is not to exceed [REDACTED]. The current estimate for the construction cost is [REDACTED].

**3. DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO
MEET THE AGENCY'S NEEDS INCLUDING ESTIMATED VALUE-
FAR 6-303-3(a)(2):**

The HSMM/HOK A/E team was selected through a highly competitive process that included a national search for qualified designers, and selection based upon the winning design. HSMM/HOK has been involved from the onset of the project and conducted all of the initial site investigations, generated the 35% design drawings, and developed the original DB RFP for construction. The original RFP for the Staff Parking Garage (SPG) was awarded to CBB as an option, however the Government did not exercise the option due to a lack of funding. Now that funding has been identified, a revised RFP is required. Minor requirements changes have evolved in the interim and must be incorporated into the revision. Due to their long-term involvement with the project, the HSMM/HOK team has intimate knowledge of the original intent of the parking garage, and can easily translate these changes to refine and repackage the original RFP to meet the Government's current needs. Aside from the change in title from SPG to Multi-Use Parking Garage (MPG), the primary change requires relocating and repositioning the structure within the site. The HSMM/HOK team understands the complexities associated with this change, which include extensive underground utility relocation and coordination with a separate

contractor to simultaneously construct three unrelated structures housed in very close proximity.

4. IDENTIFICATION OF THE STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:

It is requested that other than full and open competition be permitted pursuant to 10 U.S.C. 2304(c) (2) as implemented by FAR 6.302-1, Only one responsible source.

5. DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED:

FAR 6-302.1(a)(2)(iii)(A)- The substantial duplication of cost to revise the design documents for the MPG is not expected to be recovered through competition. During the first RFP development, in conjunction with the construction of the larger WRNMMC project and Patient Parking Garage, the designers conducted the original site investigation used to develop the MPG concept design. The team also has vital technical knowledge about the previous structure demolished on the site, the challenging site topography, and the complexity of relocating multiple underground utilities. The original RFP was under development for over two years, commencing with a study, soil borings, and a concept design, culminating in a 100% RFP package. The cost for a new design team to redesign, realign, and reposition the structure would be considered as duplication of costs.

FAR 6-302.1(a)(2)(iii)(B)- The statutory authority permitting other than full and open competition is 10 USC 2304(d)(1)(B)- The timeline for another entity to develop the familiarity with as builds/design issues inherent in the process would adversely impact ability to timely execute in accordance with the BRAC V September 2011 completion deadline. It would be in the best interest of the Government to the project completed as soon as possible. The designers already understand the goals and objectives and it would require additional time for a new team to study and understand the exiting conditions of the project.

6. EFFORTS MADE TO PUBLICIZE REQUIREMENT:

The Government's intent to enter into sole source negotiations with HSMM/HOK for this [REDACTED] design effort was posted to <https://www.fbo.gov> via the NECO synopsis database on 17 December 2009, which meets the requirement for posting no less than 15 days prior to issuing a solicitation.

7. DETERMINATION OF FAIR AND RESONABLE COST:

A determination of fair and reasonable pricing will be made based on a comparison with proposed prices based on Government Estimate. In addition, the rates incorporated with the award of the previous contract with HSMM/HOK, for the RFP 1 design development are less than 3 years old and provide historical data to compare newly proposed rates received with this sole source action.

- 8. DESCRIPTION OF MARKET SURVEY:** Market research has determined that due to the nature of the requirement no other entity could realistically complete or compete for this requirement. Award to any other firm will result in substantial duplication of cost to the Government, not expected to be recovered through competition.
- 9. OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION:** None
- 10. LISTING OF INTERESTED SOURCES:** None
- 11. ACTIONS TAKEN TO REMOVE BARRIERS TO COMPETITION:**
In the future, when requirements are developed, we will attempt to identify other requirements earlier in the process so as to prevent limited competition. The mandated BRAC Schedule, in addition to the receipt of funding and other elements required prior to approval to advertise has limited the options in all aspects and does always allow for full and open competition .
- 12. CERTIFICATIONS AND APPROVALS:** (see attached signature page)

J&A No.

CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

Technical Cognizance:

[Redacted Signature] [Redacted Name (Printed)] [Redacted Phone No.] 16 NOV 09 Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

[Handwritten Signature] [Redacted Name (Printed)] [Redacted Phone No.] 1/11/10 Date

CONTRACTING OFFICER CERTIFICATION

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

[Redacted Signature] [Redacted Name (Printed)] [Redacted Phone No.] 11-16-09 Date

ECHELON IV COMMANDING CONTRACTING OFFICER CERTIFICATION

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

[Redacted Signature] [Redacted Name (Printed)] [Redacted Phone No.] 1-11-10 Date