

SOLICITATION, OFFER, AND AWARD (Construction, Alteration, or Repair)	1. SOLICITATION NUMBER 36C77623R0122	2. TYPE OF SOLICITATION <input type="checkbox"/> SEALED BID (IFB) <input checked="" type="checkbox"/> NEGOTIATED (RFP)	3. DATE ISSUED 07/10/2023	PAGE OF PAGES 1 18
	IMPORTANT - The "offer" section on the reverse must be fully completed by offeror.			

4. CONTRACT NUMBER	5. REQUISITION/PURCHASE REQUEST NUMBER	6. PROJECT NUMBER 595-668
7. ISSUED BY Department of Veterans Affairs Program Contracting Activity Central 6100 Oak Tree Blvd, Suite 490 Independence OH 44131	CODE 36C776	8. ADDRESS OFFER TO Department of Veterans Affairs Program Contract Activity Central 6100 Oak Tree Blvd, Suite 490 Independence OH 44131
9. FOR INFORMATION CALL:	a. NAME Mark Rohacs	b. TELEPHONE NUMBER (Include area code) (NO COLLECT CALLS) 216-447-8300 X49525

SOLICITATION

NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder".

10. THE GOVERNMENT REQUIRES PERFORMANCE OF THE WORK DESCRIBED IN THESE DOCUMENTS (Title, identifying number, date)

In accordance with 38 U.S.C. § 8127 (Public Law 109-461), this project is a competitive Service-Disabled Veteran - Owned Small Business (SDVOSB) Set-Aside.

The contractor will be required to provide all labor, project management, materials, tools, supplies, and equipment as required by drawings and specifications to complete the necessary work for the minor project "New Entryway Bldg. 17" The location of the project is:

Lebanon VAMC
1700 South Lincoln Ave.
Lebanon, PA 17042

This project must be completed in accordance with specifications, drawings and supporting attachments included in the solicitation package.

The VAAR Construction Magnitude for this project is between \$5,000,000 and \$10,000,000.

11. The Contractor shall begin performance within 10 calendar days and complete it within 365 calendar days after receiving award, notice to proceed. This performance period is mandatory negotiable. (See 52.211-10).

12a. THE CONTRACTOR MUST FURNISH ANY REQUIRED PERFORMANCE AND PAYMENT BONDS? (If "YES," indicate within how many calendar days after award in Item 12B.) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	12b. CALENDAR DAYS 10
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13. ADDITIONAL SOLICITATION REQUIREMENTS:

a. Sealed offers in original and 0 (Zero) copies to perform the work required are due at the place specified in Item 8 by 4PM EDT (hour) local time 08-10-2023 (date). If this is a sealed bid solicitation, offers must be publicly opened at that time. Sealed envelopes containing offers shall be marked to show the offeror's name and address, the solicitation number, the date and time offers are due.

b. An offer guarantee is, is not required.

c. All offers are subject to the (1) work requirements, and (2) other provisions and clauses incorporated in the solicitation in full text or by reference.

d. Offers providing less than 90 calendar days for Government acceptance after the date offers are due will not be considered and will be rejected.

OFFER (Must be fully completed by offeror)

14. NAME AND ADDRESS OF OFFEROR (Include ZIP Code)		15. TELEPHONE NUMBER (Include area code)	
		16. REMITTANCE ADDRESS (Include only if different than Item 14.)	
CODE	FACILITY CODE		

17. The offeror agrees to perform the work required at the prices specified below in strict accordance with the terms of the solicitation, if this offer is accepted by the Government in writing within _____ calendar days after the date offers are due. (Insert any number equal to or greater than the minimum requirement stated in Item 13d. Failure to insert any number means the offeror accepts the minimum in Item 13d.)

AMOUNTS

18. The offeror agrees to furnish any required performance and payment bonds.

19. ACKNOWLEDGMENT OF AMENDMENTS

(The offeror acknowledges receipt of amendments to the solicitation -- give number and date of each)

AMENDMENT NUMBER										
DATE.										

20a. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or print)	20b. SIGNATURE	20c. OFFER DATE
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AWARD (To be completed by Government)

21. ITEMS ACCEPTED:

22. AMOUNT	23. ACCOUNTING AND APPROPRIATION DATA
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24. SUBMIT INVOICES TO ADDRESS SHOWN IN (4 copies unless otherwise specified)	ITEM	25. OTHER THAN FULL AND OPEN COMPETITION PURSUANT TO <input type="checkbox"/> 10 U.S.C. 2304(c)() <input type="checkbox"/> 41 U.S.C. 3304(a) ()
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26. ADMINISTERED BY Department of Veterans Affairs Program Contracting Activity Central 6100 Oak Tree Blvd, Suite 490 Independence OH 44131	36C776	27. PAYMENT WILL BE MADE BY Department of Veterans Affairs VAFSC Financial Services Center Invoices to be Submitted Electronically https://www.fsc.va.gov/einvoice.asp e-Invoice Setup Info Phone 877-489-6135 PHONE: 877-353-9791 FAX: 512-460-5429
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CONTRACTING OFFICER WILL COMPLETE ITEM 28 OR 29 AS APPLICABLE

<input type="checkbox"/> 28. NEGOTIATED AGREEMENT (Contractor is required to sign this document and return _____ copies to issuing office.) Contractor agrees to furnish and deliver all items or perform all work requirements identified on this form and any continuation sheets for the consideration stated in this contract. The rights and obligations of the parties to this contract shall be governed by (a) this contract award, (b) the solicitation, and (c) the clauses, representations, certifications, and specifications incorporated by reference in or attached to this contract.	<input type="checkbox"/> 29. AWARD (Contractor is not required to sign this document.) Your offer on this solicitation is hereby accepted as to the items listed. This award consummates the contract, which consists of (a) the Government solicitation and your offer, and (b) this contract award. No further contractual document is necessary.
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30a. NAME AND TITLE OF CONTRACTOR OR PERSON AUTHORIZED TO SIGN (Type or print)	31a. NAME OF CONTRACTING OFFICER (Type or print) Samatha Mihaila Contracting Officer		
30b. SIGNATURE	30c. DATE	31b. UNITED STATES OF AMERICA BY	31c. AWARD DATE

A.3 PRICE/COST SCHEDULE

ITEM INFORMATION

ITEM NUMBER	DESCRIPTION OF SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001	General Construction: Work includes general construction, alterations, roads, walks, grading, drainage, necessary removal of existing structures and construction and certain other items. Contract Period: Base	1.00	JB		
0002	Electrical Work: Work includes all labor, material, equipment and supervision to perform the required electrical construction work. Contract Period: Base	1.00	JB		
0003	Mechanical Work: Work includes all labor, material, equipment and supervision to perform the required Mechanical construction work. Contract Period: Base	1.00	JB		
0004	ITEM 4 (ADDITIVE ALTERNATE NO. 1): All work described in Items 0001 thru 0003 and remove 2 dormers in the reception area.	1.00	JB		
0005	ITEM 5 (ADDITIVE ALTERNATE NO. 2): All work described in Items 0001 thru 0004 and build both elevator shafts only install 1 elevator.	1.00	JB		
0006	ITEM 6 (ADDITIVE ALTERNATE NO. 3): All work described in Items 0001 thru 0005 and future site electrical duct bank-The duct bank from the transformer, around the Primary Care to the manhole near the main driveway. Install the duct bank under the entry drive in this scope.	1.00	JB		
0007	ITEM 7 (ADDITIVE ALTERNATE NO. 4): All work described in Items 0001 thru 0006 and remove translucent panels, provide lighting in lieu of base bid translucent panels. In canopy.	1.00	JB		
				GRAND TOTAL	

NOTICE

1. Line Items 0001 thru 0003 (Base Bid) contains all the work for this project minus ADD ALTERNATES NO. 1, 2, 3, and 4. Each ADD ALTERNATE is listed in order of priority and will add additional work to the project.
2. The intent is to award Line Item 0001 thru 0003 (Base Bid).
3. However, if the bid price for Line Items 0001 thru 0003 (Base Bid) is under the available budget for the project, then Line Item 0004, Bid Item 4, ADD ALTERNATE NO. 1 will be applied. If the bid price is still under the funds available for Line Item 0004, Bid Item 4, ADD ALTERNATE NO. 1, then Line Item 0005, Bid Item 5, ADD ALTERNATE NO. 2 will be applied. If the bid price is still under the funds available for Line Item 0005, Bid Item 5, ADD ALTERNATE NO. 2, then Line Item 0006, Bid Item 6, ADD ALTERNATE NO. 3 will be applied. If the bid price is still under the funds available for Line Item 0006, Bid Item 6, ADD ALTERNATE NO. 3, then Line Item 0007, Bid Item 7, ADD ALTERNATE NO. 4 will be applied and is the final additive alternate.
4. Bidders must provide a lump sum price for each of the Line Items. Failure to do so may render their bid as nonresponsive.
5. Note that only one Line Item will be selected for award based on the above instructions. Bidders must provide a lump sum price for each of the line items. Failure to do so may render their bid as nonresponsive. For each Line Item the Offeror shall provide pricing that reflects the new total value inclusive of the Bid Additive Alternative Line item. Only one Line Item will be selected for award based on the above instructions.
6. Pricing shall be submitted in whole dollar values. Please do **NOT** include pricing in cents.
7. Contractor is required to fill in DUNS NUMBER in Block No. 14 on Standard Form (SF) 1442.
8. All references in the Specs and Drawings to CLIN shall be replaced with the term Line Item.
9. The Contractor agrees to attend any Post Award conference convened by the contracting activity or contract administration in accordance with Federal Acquisition Regulation subpart 42.5.

INSTRUCTIONS, CONDITIONS AND OTHER STATEMENTS TO BIDDERS/OFFERORS

2.1 AVAILABILITY OF SOLICITATION DOCUMENTS:

All solicitation related documents will be published to eCMS Vendor Portal.

2.2 REQUEST FOR PROPOSAL:

This is a Task Order Request for Proposal (TORFP) in accordance with FAR Part 15 of VISN 4 Construction MATOC holders. Award will be made to the offeror whose proposal represents the “best value” to the Government utilizing the **Lowest Price Technically Acceptable (LPTA)** method of evaluation. In order to receive consideration for award, a rating of **ACCEPTABLE** must be achieved for both Factor 1 Technical Approach (Technical) and Factor 2 Project Challenges (Technical). Responsibility determination will be made in accordance with FAR 9.1, Responsible Prospective Contractors. All proposals shall be subject to evaluation by a team of Government personnel. The Government reserves the right to award without discussions based upon the initial evaluation of the proposals.

Evaluations will be based on the following evaluation factors:

1. Technical Approach (Technical)
2. Project Challenges (Technical)
3. Price

2.3 SDVOSB SET-ASIDE:

This procurement is 100% set-aside for Service-Disabled Veteran-Owned Small Business concerns utilizing the VISN 4 Construction MATOC. Offers received from other than Service-Disabled Veteran-Owned Small Business concerns will not be considered. All Service-Disabled Veteran-Owned Small Businesses **must be listed as verified** by the VA’s Center for Veterans Enterprises (CVE) (<https://www.vetbiz.va.gov/>). Offerors must be verified by CVE and visible in the Vendor Information Portal (VIP) database at TIME OF SUBMISSION OF OFFERS AND AWARD. Failure to be BOTH visible and verified at the time of proposal submission will result in the offeror’s proposal being deemed unacceptable and ineligible for award.

NOTE: As of January 1, 2023, all SDVOSBs that were previously verified by the VA Center for Verification and Evaluation (CVE) are automatically granted certification by the SBA for the remainder of the firm’s eligibility period. The SBA intends to grant a one-time, one-year extension of certification to current SDVOSBs verified by the VA as of the transfer date on January 1, 2023. This additional year will be added to the existing eligibility period of a current participant. New applicants certified by SBA after January 1, 2023, will receive the standard three-year certification period. The National Defense Authorization Act for Fiscal Year 2021 (NDAA 2021) grants a one-year grace period for self-certified SDVOSBs until January 1,

2024. During the grace period, self-certified businesses have one year to file an application for SDVOSB certification and may continue to rely on their self-certification to compete for non-VA SDVOSB set-aside contracts. Self-certified SDVOSBs that apply before January 1, 2024, will maintain their eligibility through the expiration of the grace period until SBA issues a final eligibility decision.

2.4 PRE-PROPOSAL SITE VISIT:

A formal site visit has been scheduled for this project. This will be the only opportunity for potential offerors to visit the site. All potential offerors, subcontractors, and suppliers are strongly encouraged to attend this site visit.

NOTE: Although not required, it is highly recommended that those who attend the pre-proposal site visit for this project, review the drawings ahead of time. Due to the continued care of our veterans, there may be areas that cannot be accessed during the pre-proposal site visit. Any questions regarding these areas can be addressed during the technical question period of the solicitation.

See **FAR 52.236-27** of this solicitation for further information.

2.5 TECHNICAL QUESTIONS:

Questions of a technical nature must be provided in writing and shall be submitted by the prospective offerors to Mark Rohacs. Questions shall be submitted only via e-mail to: [Mark Rohacs@va.gov](mailto:Mark.Rohacs@va.gov). The subject line must read: **Construct New Entryway Bldg. 17, Lebanon, PA – Technical Questions**. Oral questions of a technical nature are not acceptable. **THE CUT-OFF DATE AND TIME FOR RECEIPT OF QUESTIONS IS July 27, 2023 at 2:00 PM (ET).**

2.6 AMENDMENTS:

Amendments to this solicitation will be issued through the eCMS Vendor Portal. Paper copies of the amendments will NOT be individually mailed. No other notification of amendments will be provided. Potential Offerors are advised that they are responsible for obtaining and acknowledging any amendments to the solicitation. Failure to acknowledge an amendment may result in your proposal being considered unacceptable.

2.7 PREPARATION OF PROPOSALS:

The Government will not pay for any costs incurred in preparation and submission of proposals.

2.8 PROPOSAL REQUIREMENTS

A. General:

- a. **Proposal Submission:** Offerors shall submit their proposals via email to Mark.Rohacs@va.gov. Proposals shall be based on solicitation document issued for RFP number **36C77623R0122**. Proposals will be in the format stipulated in this document. Proposals shall be received on or before the date and time specified in Block 13 of the SF 1442. There will be no public opening of the

proposals. Only e-mail proposals will be accepted. Hard-copy proposals will not be accepted.

B. Proposal Format:

- a. Technical, Price and Administrative sections of the Offerors proposals will be evaluated independently; therefore, the Offeror shall submit the proposal in three (3) Volumes: Volume I Technical, Volume II Price and Volume III Administrative. In order that the Volume I Technical may be evaluated strictly on the merit of the material submitted, the contractor shall include **NO** price information in Volume I. Offeror shall separate Volumes I, II and III. Each volume must be labeled with the Offeror's organization, business address, and VA Solicitation Number. The volumes shall be submitted in electronic format as searchable PDF documents. The proposal, in its entirety, shall not exceed three (3) emails (one email for each volume) of 5MB each. Include page numbers and the company name in the header or footer of each page.
- b. **Volume I Technical:** Offerors shall format the Volume I Technical proposal as listed below. The specific evaluation criteria and methodology for Volume I is contained in Sections C(1), (2) and Section D
 - a. The offer, including title page, detailed table of contents, preface shall be submitted in one (1) PDF document for Volume I Technical and shall not exceed a total of **FIFTEEN (15)** pages (title page, table of contents and preface are excluded from the page limits) in Microsoft Times New Roman 12 font. The Offeror shall not include any price or price related material in the Volume I proposal. Use graphic presentations where such use will contribute to the compactness and clarity of the proposal.
 - b. A page is defined as each face of an 8.5 X 11-inch sheet of paper with 1-inch margins around the page perimeter containing information. **Note, submission of the project schedule only, can be submitted by utilizing larger paper (11 X 17 inch).** All information (except for document numbers, page numbers, etc.) shall be provided in an image area of 7 X 9 inches. **Note, this does not apply for the submission of the project schedule.** The background color of each page of the submission shall be white or ivory stock only and each page shall count as one (1) page. Excess pages will not be evaluated. Text lines will be single-spaced, and proposals shall be submitted using Times New Roman, with font no smaller than 12 point with normal proportional spacing. A smaller font size for any graphics presented in a proposal is permitted as long as the information is legible to the human eye. Fonts other than Times New Roman are permissible in the presentation of graphic material only.
 - c. The Offeror's responses shall clearly address each evaluation factor listed in this solicitation. Failure to submit in the format required and clearly address those factors may result in this offer being rated unacceptable.
- c. **Volume II Price:** Offerors shall format the Volume II Price proposal as listed below. The specific evaluation criteria and methodology for Volume II is contained in Sections D and E.
 1. **Volume II Price shall not exceed a total of TWENTY (20) pages in Times New Roman size 12 font.**
 2. Offerors shall complete the Price Schedule in part A of this solicitation.

3. Offerors shall ensure the Signed Standard Form (SF) 1442 is provided. Offerors shall acknowledge receiving amendments by filling out section 15A.
4. In addition to the Price Schedule, offerors shall submit a complete breakdown of the Division Pricing for Line Items (0001 - 0007).

Bid Guarantee: The Offeror shall furnish a bid guarantee as stipulated in the solicitation (see FAR 52.228-1). Pricing shall be Firm Fixed Price. The bid guarantee shall be provided on Standard Form 24. The **bid bond** shall be submitted as part of the electronic submission. In accordance with Class Deviation from the Federal Acquisition Regulation to Eliminate Hard Copy Original Documents, Signatures, Notarization, Seals on Bonds, and Other Seals for Certain Contract Requirements issued by the VA Executive Director, Office of Acquisition and Logistics and the Senior Procurement Executive on May 11, 2020, the requirement for an original bond, with the original signatures, notarization and seals has been eliminated.

Failure to furnish the required bid guarantee on the proper form and for the proper amount by the time specified in Block 13 of SF 1442, may result in rejection of the proposal.

- d. **Volume III Administrative Information:** Offerors shall include the following in Volume III. All of the below information must be provided. An Offeror may be considered unacceptable if these items are not provided in the proposal

1. **Representations & Certifications:**

As the provision at FAR 52.204-7 is included in the solicitation, FAR 52.204-8 (d) applies and the fill-in for FAR 52.204-8 (b)(2) does not need to be completed. The offeror is required to complete the annual representations and certifications electronically at <https://www.sam.gov>.

2. **Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment:**

Offeror shall provide their response to FAR 52.204-24 (d) Representation.

3. **Information Regarding Responsibility Matters:**

Offeror shall provide their response to FAR 52.209-7 (b) Information Regarding Responsibility Matters.

4. **Violation of Arms Controls Treaties or Agreements:**

Offeror shall provide their response to FAR 52.209-13 (b) Violation of Arms Controls Treaties or Agreements.

5. **Tax on Certain Foreign Procurements – Notice and Representation:**

The offeror shall provide their response to FAR 52.229-11 (d).

6. **Post Award Small Business Program Representations:**

Offeror shall provide their response to FAR 52.219-28 (h), if applicable.

7. **Limitations on Subcontracting:**

The offeror shall complete and sign the VA Notice of Limitations on Subcontracting - Certificate of Compliance for Services and Construction required in VAAR 852.219-75 and return it with their proposal submission is attached as a separate document (**Limitations**

on Subcontracting). The completed and signed form will become part of the official award documentation.

8. Experience Modification Rate:

The Offeror shall include the Safety of Environmental Violations and Experience Modification Rating (EMR) Information, including filling out the attached document **Contractor Safety and Environmental Record Evaluation Form**.

- (1) Provide offeror's information pertaining to their past Safety and Environmental record. The information must contain a certification that the offeror has no more than three (3) serious, or one (1) repeat or one (1) willful OSHA or any EPA violation(s) in the past three years. If such certification cannot be made, a Offeror shall explain why and submit as much information as possible regarding the circumstances of its past safety and environmental record, including the number of EPA violations and/or the number of serious, repeat, and/or willful OSHA violations, along with a detailed description of those violations.
- (2) Provide offeror's information regarding their current EMR. This information shall be obtained from the Offeror's insurance carrier and be furnished on the insurance carrier's letterhead. If an Offeror's EMR is above 1.0, Offeror must submit a written explanation of the EMR from its insurance carrier furnished on the insurance carrier's letterhead, describing the reasons for the elevated EMR and the anticipated date the EMR may be reduced to 1.0 or below.
- (3) Self-insured contractors or other contractors that cannot provide their EMR rating on insurance letterhead must obtain a rating from the National Council on Compensation Insurance, Inc. (NCCI) by completing/submitting form ERM-6 and providing the rating on letterhead from NCCI. Note: Self-insured contractors or other contractors that cannot provide EMR rating on insurance letterhead from the states or territories of CA, DE, MI, NJ, ND, OH, PA, WA, WY, and PR shall obtain their EMR rating from their state run worker's compensation insurance rating bureau.
- (4) If the NCCI cannot issue an EMR because the Offeror lacks insurance history, Offeror shall submit a letter indicating so from its insurance carrier furnished on the insurance carrier's letterhead, and include a letter from the NCCI indicating that is has assigned Offeror a Unity Rating of 1.0.
- (5) The above information, along with other information obtained from Government systems, such as the OSHA and EPA online inspection history databases, will be used to make an initial *Determination of Responsibility*.
- (6) This requirement is applicable to all subcontracting tiers, and prospective prime contractors are responsible for determining the responsibility of their prospective subcontractors.
- (7) Failure to provide the above EMR documentation, may result in a determination that an Offerors proposal is unacceptable.

C. **Technical Proposal Requirements:** The proposal shall address the following submission requirements for Factor 1 Technical Approach (Technical) & Factor 2 Project Challenges (Technical).

1. Factor 1, Technical Approach (Technical):

Offerors shall provide a detailed technical approach (thought process) to accomplishing the construction of the New Entryway, Building 17 project. The narrative will detail how the contractor intends to prepare the site, handle phasing of the New Entryway in Building 17 as to not interrupt patient flow, structural elements of construction, and complete the project within the specified time limits.

Such details shall include, at a minimum:

- The contractor explaining how the project is to be managed
- Anticipated construction hazards and safety measures to mitigate hazards.
- Alternate course(s) of action in the event items become non-conforming, whether it be material or time.

2. Factor 2, Project Challenges (Technical):

Offerors must clearly demonstrate their understanding of the challenges that are involved with this project, mitigation plan, and how to properly phase the project. Simply restating the requirements (copying and pasting from the solicitation) is not considered to be a demonstration of complete understanding of the challenges and phasing requirements. Rather, Offerors must show that they have analyzed the requirements, considered the environment, and demonstrated the extent to which they understand the requirements across the body of the proposal.

Each Offeror's anticipated challenges must address the following at a minimum:

- Order of work elements to include project phasing, submittals, mobilization, excavation, construction/remodeling, punch list, de-mobilization.
- Identification of long lead time materials.
- Clear identification of concurrent tasks needed for successful completion of project within the POP.
- Identification of significant milestones due to winter work conditions.
- Current bottlenecks due to the impacts of Covid and shipping/material availability delays.
- The VA's review and approval of requests for information (RFI), submittals and other pertinent documents.

D. Volume II – Price Proposal Requirements

- a. Carefully follow “Instructions, Conditions, and Notices to Offerors”. **Standard form (SF) 1442 Solicitation Offer and Award (Construction, Alteration, or Repair)** and the Pricing Schedule located on **PAGE 3** when submitting price offers. Submit a bid guarantee as stipulated in the VISN 4 MATOC.
- b. In addition to the pricing schedule, Offerors shall submit a complete Breakdown of the Division Pricing for Line Items (0001 - 0007). The Division Pricing will be used to determine price reasonableness. The Government also reserves the right to use this Division Pricing breakdown as part of discussions during the competitive range, if they are required.
- c. The prices shall be Firm Fixed Price. The Offeror shall take care not to include remarks that take exception to the Government’s Specifications/Drawings or pricing requirements or otherwise preclude the Government from evaluating the offer, which will render the offer unacceptable.

2.9 EVALUATION OF OFFERORS:

All Offerors are advised that, in the interest of efficiency, the Government reserves the right to conduct the evaluation in the most effective manner. Specifically, the Government may first evaluate the total proposed price of all Offerors. Thereafter, the Government will evaluate the technical proposal of the lowest priced Offeror only. If the lowest priced Offeror’s technical proposal is determined to be rated as Acceptable, the Government may make award to that Offeror without further evaluation of the remaining Offerors’ technical proposals, provided the price is determined to be fair and reasonable.

If the lowest priced Offeror’s technical proposal is determined to be rated as Unacceptable, then the Government may evaluate the next lowest priced technical proposal, and so forth and so on, until the Government reaches the lowest priced technical proposal that is determined to be rated as acceptable, with fair and reasonable pricing. However, the Government reserves the right, in its sole discretion, to evaluate all Offerors’ technical proposals should it desire to conduct discussions, or otherwise determine it to be in the Government’s best interest.

To received consideration for award, a rating of **ACCEPTABLE** must be achieved for both Factor 1 Technical Approach (Technical) and Factor 2 Project Challenges (Technical).

ACCEPTABLE is defined as the Offeror demonstrated the ability to meet all of the Government’s minimum requirements as identified in the solicitation.

UNACCEPTABLE is defined as the Offeror failed to demonstrate the ability to meet all of the Government’s minimum requirements as identified in the solicitation.

Factor 1 Technical Approach (Technical): The minimum requirements for an Acceptable Rating are as follows:

Acceptability is determined when the offeror has demonstrated the ability to prepare, remodel, construct, and complete the construction project within the required amount of time. Acceptability is determined when the offeror demonstrates a technically achievable approach to meeting the Government's requirements while successfully maintaining security measures and avoiding disruptions to the VAMC operations. Acceptability is determined when the offeror has adequately addressed all topics/subjects identified above, and has not simply restated the requirement.

Factor 2 Project Challenges (Technical): The minimum requirements for an Acceptable Rating are as follows:

Acceptability is determined when the offeror identifies and demonstrates their understanding of the challenges involved in the project and provides a feasible and executable phasing plan to succeed in the timely completion of this project. Acceptability also requires that the offeror demonstrates an understanding of the construction requirements by providing an actionable mitigation approach to the project challenges that may occur within the period of performance. Acceptability is determined when the offeror has adequately addressed all topics/subjects identified above and has not simply restated the requirement.

Factor 3 Price: The total evaluated price will be determined by the Offeror's price for the Base Line Item's (0001-0003) and any additive alternate line items that is closest to the budget for the project. The Offeror who provides the lowest price will be determined to be the lowest priced Offeror. The lowest priced offer must be determined to represent fair and reasonable pricing.

Note: If none of the offerors are within the available funding limitation or is otherwise determined to be other than fair and reasonable, the VA reserves the right to enter into discussions with those offerors who are determined to be within the competitive range, if a competitive range is determined to be in the interest of the VA.

If the Offeror communicates in its proposal any qualifications, exceptions, exclusions, or conditions to the proposed prices, the Contracting Officer may reject the proposal and exclude the Offeror from further consideration for award.

2.10 BASIS FOR AWARD:

The Government will award a Task Order resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the Government, price and other factors considered.

2.11 ADDITIONAL CONSIDERATIONS:

A written notice of award or acceptance of an offer, mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer's specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.

2.12 USE OF ADVISORS:

Contractors are advised that VA contractor personnel may assist the Government during the Government's evaluation of Proposals. The persons shall be authorized access to only those portions of the proposal and discussions that are necessary to enable them to provide specific technical advice on specialized matters or on particular problems. These individuals will be required to protect the confidentiality of any specifically identified trade secrets and/or privileged or confidential commercial or financial information obtained as a result of their participation in this evaluation. They shall be expressly prohibited from scoring, ranking or recommending the selection of an Offeror.

2.13 DETERMINATION OF RESPONSIBILITY:

A Determination of Responsibility will be conducted for the apparent "awardee" prior to award of the project. The required information from the proposal, along with other information obtained from Government systems, such as, but not limited to the OSHA and EPA online inspection history databases, as well as any other information the Contracting Officer has determined to be valid, will be used to make the Determination of Responsibility. Failure to affirm being within the guidelines in the proposal may result in a determination of "Non-Responsible" for the Offeror. NOTE: Any information received by the Government that would cause for a negative Determination of Responsibility may make the Offeror ineligible for award.

2.14 VETS 4212:

Title 38, USC Section 4212(d), codified at 41 CFR Section 61-300, requires that federal contractors report, at least annually, the number and category of veterans who are within their workforce. Submission of the VETS-4212 reporting information can be done electronically at: <http://www.dol.gov/vets/vets4212.htm>. Award cannot be made unless the awardee has filed their VETS-4212 report. Therefore, all Offerors are encouraged to file every year. The Contracting Officer may request a copy of the email confirmation of receipt notification, prior to awarding the project.

2.15 SYSTEM FOR AWARD MANAGEMENT (SAM):

Federal Acquisition Regulations require that federal contractors register in the System for Award Management (SAM) database at <http://www.sam.gov> and enter all mandatory information into the system. Offerors are required to be registered in SAM at the time an offer is submitted in order to comply with the annual representations and certifications requirements. The Offeror shall also be registered at time of award.

2.16 REVIEW REQUIRED REGISTRATION WITH CONTRACTOR PERFORMANCE ASSESSMENT SYSTEM (CPARS):

As prescribed in Federal Acquisition Regulation (FAR) Part 42.1502(e), the Department of Veterans Affairs (VA) evaluates contractor past performance on all construction contracts that exceed \$700,000, and shares those evaluations with other Federal Government contract specialists and procurement officials. The FAR requires that the contractor be provided an opportunity to comment on past performance evaluations prior to each report closing. To fulfill this requirement VA uses an online database, CPARS, which is maintained by the Naval Seal Logistics Center in Portsmouth, Virginia. CPARS has connectivity with the Contractor Performance Assessment Reporting System (CPARS) database, which is available to all Federal agencies. CPARS is the system used to collect and retrieve performance assessment reports used in source selection determinations and completed CPARS report cards transferred to CPARS.

Each contractor whose contract award is estimated to exceed \$700,000 is required to register with CPARS database at the following web address: <http://www.cpars.gov/>. Help in registering can be obtained by contacting Customer Support Desk @ DSN: 684-1690 or COMM: 207- 438-1690. Registration should occur no later than thirty days after contract award, and must be kept current should there be any change to the contractor's registered representative.

For contracts with a period of one year or less, the contracting officer will perform a single evaluation when the contract is complete. For contracts exceeding one year, the contracting officer will evaluate the contractor's performance annually. Interim reports will be filed each year until the last year of the contract, when the final report will be completed. The report shall be assigned in CPARS to the contractor's designated representative for comment. The contractor representative will have thirty days to submit any comments and re-assign the report to the VA contracting officer.

Failure to have a current registration in the CPARS database, or to re-assign the report to the VA contracting officer within those thirty days, will result in the Government's evaluation being placed on file in the database with a statement that the contractor failed to respond.

2.17 BACKGROUND INVESTIGATIONS AND SPECIAL AGREEMENT CHECKS:

All contractor employees are subject to the same level of investigation as VA employees who have access to VA Sensitive Information. The level of background investigation commensurate with the level of access needed to perform the statement of work is: Low Risk. This requirement is applicable to all subcontractor personnel requiring the same access. As per VA Directive 0710, costs of background investigations will be borne by the contractor.

2.18 REFERENCES TO VA ENGINEER, RESIDENT ENGINEER OR PROJECT MANAGER:

Any reference contained within the solicitation/contract specifications and/or drawings to the “VA Engineer,” “Resident Engineer,” or “Project Manager” or their abbreviations shall be replaced with “Contracting Officer’s Representative (COR).”

2.19 52.204-27 PROHIBITION on a Byte DANCE COVERED APPLICATION (JUNE 2023)

(a) *Definitions.* As used in this clause—

Covered application means the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited.

Information technology, as defined in 40 U.S.C. 11101(6)—

(1) Means any equipment or interconnected system or subsystem of equipment, used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency, if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency that requires the use—

(i) Of that equipment; or

(ii) Of that equipment to a significant extent in the performance of a service or the furnishing of a product;

(2) Includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including support services), and related resources; but

(3) Does not include any equipment acquired by a Federal contractor incidental to a Federal contract.

(b) *Prohibition.* Section 102 of Division R of the Consolidated Appropriations Act, 2023 (Pub. L. 117-328), the No TikTok on Government Devices Act, and its implementing guidance under

Office of Management and Budget (OMB) Memorandum M-23-13, dated February 27, 2023, "No TikTok on Government Devices" Implementation Guidance, collectively prohibit the presence or use of a covered application on executive agency information technology, including certain equipment used by Federal contractors. The Contractor is prohibited from having or using a covered application on any information technology owned or managed by the Government, or on any information technology used or provided by the Contractor under this contract, including equipment provided by the Contractor's employees; however, this prohibition does not apply if the Contracting Officer provides written notification to the Contractor that an exception has been granted in accordance with OMB Memorandum M-23-13.

(c) *Subcontracts*. The Contractor shall insert the substance of this clause, including this paragraph (c), in all subcontracts, including subcontracts for the acquisition of commercial products or commercial services.

(End of Clause)

2.20 52.236-27 SITE VISIT (CONSTRUCTION) (FEB 1995) ALTERNATE I (FEB 1995)

(a) The clauses at 52.236-2, Differing Site Conditions, and 52.236-3, Site Investigations and Conditions Affecting the Work, will be included in any contract awarded as a result of this solicitation. Accordingly, offerors or quoters are urged and expected to inspect the site where the work will be performed.

(b) An organized site visit has been scheduled for—

July 19,2023 at 10:00 CST

(c) Participants will meet at—

Lebanon VAMC, 1700 South Lincoln Ave., Lebanon, PA 17042

(End of Provision)

2.21 52.211-6 BRAND NAME OR EQUAL (AUG 1999)

(a) If an item in this solicitation is identified as "brand name or equal," the purchase description reflects the characteristics and level of quality that will satisfy the Government's needs. The salient physical, functional, or performance characteristics that "equal" products must meet are specified in the solicitation.

(b) To be considered for award, offers of "equal" products, including "equal" products of the brand name manufacturer, must—

(1) Meet the salient physical, functional, or performance characteristic specified in this solicitation;

(2) Clearly identify the item by—

(i) Brand name, if any; and

(ii) Make or model number;

(3) Include descriptive literature such as illustrations, drawings, or a clear reference to previously furnished descriptive data or information available to the Contracting Officer; and

(4) Clearly describe any modifications the offeror plans to make in a product to make it conform to the solicitation requirements. Mark any descriptive material to clearly show the modifications.

(c) The Contracting Officer will evaluate "equal" products on the basis of information furnished by the offeror or identified in the offer and reasonably available to the Contracting Officer. The Contracting Officer is not responsible for locating or obtaining any information not identified in the offer.

(d) Unless the offeror clearly indicates in its offer that the product being offered is an "equal" product, the offeror shall provide the brand name product referenced in the solicitation.

(End of Provision)

2.22 VAAR 852.236-90 RESTRICTION ON SUBMISSION AND USE OF EQUAL PRODUCTS (APR 2019)

(a) This clause applies to the following items:

See Attachment 11-Lebanon Brand Name-Redacted

(b) Notwithstanding the "Material and Workmanship" clause of this contract, FAR 52.236-5(a), nor any other clause or provision, only brand name products for the items listed above will be authorized for use on this contract.

(End of Clause)

2.23 LIST OF ATTACHMENTS

See attached document: Attachment 1-Specs Div 00-14_Bldg 17 - Updated-Final.

See attached document: Attachment 2- Specs Div 21-33_Bldg 17 - Updated 5.11.23.

See attached document: Attachment 3 -01-VLEB-010 Bldg 17 Entry Bid Docs Plan Part2.

See attached document: Attachment 4- 01-VLEB-010-Bldg-17-Entry-Bid-Docs-Plan3.

See attached document: Attachment 5- 01-VLEB-010-Bldg-17-Entry-Bid-Docs Plan4.

See attached document: Attachment 6-01 VLEB 010 Bldg 17 Entry Bid Docs Plans Part1 Resi.

See attached document: Attachment 7- AEWLA20037 Geotechnical Report Final.

See attached document: Attachment 8 - Contractor Safety Environmental Form.

See attached document: Attachment 9 - Limitations on Subcontracting - Construction.

See attached document: Attachment 10 -Lebanon Brand Name-Redacted.

See attached document: Attachment 11- Wage Determination-Lebanon County.

See attached document: Attachment 12 -Site Visit Instructions Lebanon.

See attached document: Attachment 13 - Site Plan - Current Site Plan Map.

End of Document