

SOLE SOURCE FACT SHEET AND CHECKLIST FOR DESIGN PROFESSIONAL SERVICES

This form must be electronically completed, signed and submitted to the Department of General Services when making sole source requests for design professional services. If a question is not applicable, please indicate N/A. Use layman's terms and avoid jargon and the use of acronyms.

Application of the printed names of the person completing the form and the agency head or deputy in the boxes provided on the form shall constitute the signatures of these individuals. Agencies must ensure that these individuals review the completed form and give their consent to apply their printed name at the bottom of the form where indicated. No handwritten signature shall be required in order for the form to be considered "signed" by those individuals whose names appear in the Signature section of the form.

Agency Name: Department of Military & Veteran's Affairs (DMVA)

Contract No.: 960-91 Ph1

Estimated Total Dollar Amount of Contract: \$400,000

Design Professional's Name: HDR

Design Professional's Address: 1917 S 67th ST, Omaha, NE, 68106-2973

Design Professional's Vendor Number: 0000165221

Design Professional's Contact Person: John Smith

Design Professional's Contact Telephone No.: 402-399-1007

Design Professional's Contact Email Address: John.Smith@hdrinc.com

Location Where Service is to be Performed: Fort Indiantown Gap, Annville, PA

1. Please check the reason(s) for this request:

- a. Only Single design professional is capable of providing these Design Professional Services.
 Only known source - similar design services not available from another design professional.
 Design services must be provided by this contractor to ensure compatibility.

b. A federal or state statute or federal regulation exempts the design service from the competitive procedure.

c. The contract for design professional services is in the best interest of the Commonwealth.

Note: The checklist by itself is not sufficient justification for sole source procurement. (The agency must provide written justification that one of these conditions exists and include it in the contract file.)

2. Briefly describe the design professional services you are requesting and their function.

There are two separate but related tasks: 1) Take the existing 100% design completed by OPK Design of Syracuse, NY for the Fort Indiantown Gap (FTIG) East Access Control Point (East ACP) and revise these construction documents from a single prime Federal contract format to a multiple-prime Commonwealth contract format suitable for bidding through DGS. Other design revisions will be limited to portions of the project which do not meet the current US Army Corps of Engineers Access Control Point Center of Excellence standards or pose unnecessary future operational costs or constraints to the Fort Indiantown Gap Training Center; and 2) Use the existing HDR 95% design for the FTIG Perimeter Fenceline and revise the proposed fence alignment to account for changes in site conditions, incorrect design placement and to facilitate maintenance of the perimeter fence. Task 2 also includes securing revised permitting as needed. Depending on what, if any, permit modifications are necessary will dictate the timing of construction and if the East ACP and Perimeter Fenceline projects are combined in one DGS bid package or bid as separate phases.

3. Describe the unique reasons of this design professional service procurement that prohibits a competitive procurement.

There are no reasons which prohibit competitive procurement. However, it is in the best interests of the Commonwealth and DMVA to procure the services of HDR for both tasks. HDR prepared the conceptual design for the FTIG **East ACP** project and prepared the Request for Proposals (RFP) used to originally procure it as a Design-Build project. HDR also fully designed and is providing construction services for the Main ACP project at FTIG which is now under construction. For the **Perimeter Fenceline**, HDR design involvement began with an initial walk-thru of the perimeter with post personnel up to the current 95% design and permitting. The Main ACP, **East ACP**, and **Perimeter Fenceline** projects are interrelated and support DMVA's goal to enhance security for Fort Indiantown Gap. HDR is intimately familiar with these projects and DMVA's requirements and retaining them to provide the Professional Design Services for the **EAST ACP** and **Perimeter Fenceline** projects will result in more timely and efficient execution of the work as well as facilitate coordination between the requirements for these projects and the current construction of the Main ACP project.

4. What research has been done to verify this design professional as the only known source?

DMVA Office of Facilities and Engineering Project Management staff managed HDR's contracted work described in 3 above and have personal knowledge that HDR was the source of these specific designs. Going through the Selections Process to contract with another Design Professional will increase the time required before construction can begin and will require the new design professional to begin afresh wasting Commonwealth and Federal taxpayer dollars on work that is already accomplished.

5. If this is an upgrade, addition, alteration, etc., to an existing design item, how was the original item procured (sole source or competitive)? What additional, related, sole source procurements have occurred since the initial procurement? Please identify the previous purchase order or contract number(s).

The **East ACP** design work is likely a small upgrade to an existing design and the **Perimeter Fenceline** will likely be an alteration to the existing design. The U.S. Army Corps of Engineers Baltimore District (CENAB) originally procured HDR's design services through Federal Acquisition Regulation standards with the **East ACP** RFP preparation, Main ACP 100% design, and **Perimeter Fenceline** 100% design and permitting acquired under a task order to their standing contract with CENAB (W912DR17F0298). No sole source design procurements occurred in the Federal system and there are no related additional sole source procurements in the Commonwealth system.

6. How has this specific design been procured in the past? (Competitive sealed proposals, Governor's Selection Committee, sole source, other). Please provide document numbers.

The Pennsylvania Army Guard procured this specific design through CENAB Contract #W912DR17F0298.

7. What are the consequences of not procuring this specific design professional service?

The Commonwealth will not take advantage of \$873,000 Federal dollars invested in the design and permitting of the **East ACP** by QPK Design, the designer for the Black Horse Construction Group design-build contract awarded by CENAB 30 September 2017; and \$169,803.36 for the **Fence Perimeter** 100% design and permitting CENAB awarded 30 September 2020. Procuring another Design Professional that does not have the background knowledge of the **East ACP** and **Perimeter Fenceline** projects will result in a significant increase in time required to advance the projects to construction and further delay the goal of securing the perimeter at FTIG.

8. If timing is a factor, who established the time frame and why?

The Main ACP construction contract completion date is 1 February 2023. After terminating Black Horse Construction Group for convenience of the CENAB design-build contract for the East ACP in May 2020, the Pennsylvania National Guard's U.S. Property & Fiscal Office (USPFO) tried unsuccessfully in June 2021 and August 2021 to award both the Main ACP and **East ACP** under one contract due to insufficient funding. Both ACPs are necessary for unimpeded traffic flow for workers entering FTIG. Mr. Kevin Ferner, Deputy for Facilities and Engineering, in consultation with the Adjutant General, MG Mark Schindler, determined the project should usurp the planned spot for selections in January 2022 as a sole source acquisition to support the goal of controlling access and improving security at FTIG.

9. What are the consequences of not procuring this specific design professional service within the established time frame?

The Main ACP will be constructed and operational with the **East ACP** location closed (no access to FTIG from the East). All traffic to FTIG including deliveries, contractors, National Guard units, Soldiers, Airmen, other authorized visitors, and roughly one-third of the daily work force of over 2000 employees will be forced to travel longer and lengthen the lines entering post through the Main ACP. The time necessary to design and begin construction on the **East ACP** and **Perimeter Fenceline** will be increased and delay the full implementation of the measures intended to increase security at FTIG.

10. How long has the agency known that the design was needed and why wasn't the contract process started earlier?

DMVA was aware a week after the second bid of 30 August 2021 that it would not be able to procure the additional funding necessary to award the East ACP along with the Main ACP. DMVA did not have a Fall selections spot.

11. List any other information relevant to the acquisition of this design professional service (attach additional 8-1/2" x 11 sheets, if necessary).

Signature of person completing form:

John L. Saufley Title: Chief, Division of Project Management
(Print Name of person completing form)

Date: 16 December 2021

Phone No.: 717-503-2928

Fax No.: 717-861-8343

Signature of Approving Authority:

Robert A. Carr Date: 01/18/2022
(Print Name of Agency Head or Deputy who has reviewed and approved this request)