

**General Services Administration
Public Buildings Service
Project: RAY Cold Weather Event
Justification for Other than Full & Open Competition**

1. Contracting Agency:

General Services Administration (GSA), Public Building Services (PBS) is the agency responsible for this action.

2. Nature and/or Description of Action Being Approved:

This justification and approval documents the procurement action for other than full and open competition in support of a freeze event and associated damage repairs to the Robert A Young (RAY) Federal Building in St. Louis, MO. The repairs are needed as a result of an extreme cold weather event that occurred in St. Louis on December 22, 2022. This procurement action is a direct response to the damage done to the federal building and is of such an unusual and compelling urgency that the Government could be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals to procure repair services, as needed, for the building. Stabilization efforts to date as performed by Hof include emergency repairs to fire sprinkler piping, removal of affected finishes including but not limited to ceilings, floor finish, cove base, raised flooring, and associated components as well as provide targeted demolition services related to water intrusion. Hof has worked in tandem with other initial responders to facilitate drying and cleaning of affected areas.

3. Description of the Supplies or Services Required:

In response to the severe weather and associated damage that occurred to the building, the immediate procurement of urgently needed services for repairs to the building is required. The estimated cost of the value of this action is being investigated currently, but estimated to be at least \$1,800,000. Sufficient funding is available for this procurement action and will be secured before award. All work pertaining to this contract action must be completed within 1-year, per FAR 6.302-2(d).

4. Identification of Statutory Authority:

Statutory authority for this action is 41 U.S.C.3304(a)(2) as implemented in Federal Acquisition Regulation, Part 6.302-2, Unusual and Compelling Urgency.

5. Demonstration the Acquisition Requires Use of the Authority Stated:

The work required is of an urgent and compelling nature because the damage to the facility needs to be evaluated/assessed so that the needed repairs can proceed immediately to secure the facility thereby limiting further damage and potential injury/harm to the public. As part of the initial emergency response Hof did a visual assessment to determine the most urgent stabilization needs. Initial moisture testing was performed in the affected areas. Subsequent moisture and indoor air quality testing was performed in affected areas. This testing will be used as directed by GSA in further assessment of required emergency response activities.

Hof Construction Inc. (Hof) was engaged by the St. Louis Field Office as a first responder to the freeze event. Hof is currently working in the affected areas of the building and has extensive experience in the Robert A. Young Federal Building. Hof was engaged by the St. Louis Field Office as part of the immediate emergency response team. Hof has either facilitated or worked in tandem with crews during the initial response and subsequent stabilization. Work performed by Hof to date includes emergency repairs to sprinkler piping, removal of affected finishes including but not limited to ceilings, floor finish, cove base, raised flooring, and associated components as well as provide targeted demolition services related to water intrusion. Hof has worked in tandem with other initial responders to facilitate drying and cleaning of affected areas. Hof has a global understanding of the freeze event and affected building systems. In addition, engaging Hof Construction will mitigate real and potential financial injury to the government by avoiding delays in site mobilization.

A preliminary assessment of the damage to the building revealed work associated with a freeze event in the building following sub-zero temperatures which resulted in building system failures causing pipe ruptures and producing widespread flooding. The work includes repairs and replacement of HVAC equipment, repairs to broken fire sprinkler piping and fittings, and associated systems damaged by the freeze. The project also includes repair and replacement of all affected HVAC and associated building systems as well as repair to walls, floors, and ceilings due to water infiltration. Industrial Health services will be required as part of the work.

6. Description of Efforts to Solicit as Many Offers as Practicable:

Due to the urgent need for this procurement, careful consideration must be taken to ensure that there is no extraordinary delay to execute competitive procurements. Hof Construction holds an IDIQ contract with GSA, is very familiar with the systems and structure of the Robert A. Young Federal Building, and is already mobilized in the building for field office projects related to the flooding because of the broken piping in the building. However, for any future requirements beyond the response and recovery efforts, the Government will conduct market research to assess acquisition alternatives and/or identify interested offerors.

7. Determination that Anticipated Cost will be Fair and Reasonable:

The Contracting Officer will make a fair and reasonable determination for each contractual action.

8. Description of the Market Survey Conducted and Results:

Due to the proposed action being procured under the authority of FAR 6.302-2, Unusual and Compelling Urgency, market research is to be performed at the discretion of the Contracting Officer due to the urgent need of this procurement item. The limited or lack of market research is due to the immediate need to evacuate and repair the infrastructure to ensure system preservation.

The procurement actions will not be synopsisized as outlined in FAR 5.202(a) which is allowable when the acquisition is urgent and compelling. However, for future requirements not deemed to be an emergency need, the Government will conduct market research to access any acquisition alternatives and/or identify any interested sources.

9. Other Facts Supporting the Use of Other Than Full and Open Competition:

The Governor of Missouri, Michael Parsons, issued Executive Order 22-09 which issued a State of Emergency for the entire state of Missouri due to “severe winter storm systems reaching Missouri on December 21, 2022 and continuing will likely create a condition of distress and hazard to the safety, welfare, and property of the people of the State of Missouri”. Executive Order 22-09 ended on January 9, 2023. The result of the storm was temperatures below 0 for the St. Louis area on December 22 and 23, 2022 which resulted in the breaking of sprinkler piping which have disabled the fire alarm and fire sprinkler systems in the 11th floor area of the Robert A. Young Building.

10. List of Sources that Expresses an Interest in the Acquisition:

At the present time, the requirement will not be publicized and thus the Government does not anticipate any expressed interest from offerors.

11. Statement of Actions to Overcome Barriers to Competition:

Due to the unusual and compelling nature of the disaster declared by the Governor of Missouri, no such actions to overcome barriers to competition need to be taken. Any future requirements supporting this disaster aftermath deemed not to be an emergency will be evaluated for potential competition.

12. Contracting Officer Certification:

Based on the above facts, I hereby approve this justification for other than full and open competition, in the awarding of a letter contract to Hof Construction, Inc. for the repairs of the Robert A. Young Federal Building in pursuant to the authority of 41 U.S.C.3304(a)(2), subject to the availability of funds, and provided that the procurement action has been authorized for acquisition.

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ERICA HOFFMAN
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Contracting Officer

1/11/2023

Date

Concurrence/Approval:

DocuSigned by:



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David Rumsey
Regional Competition Advocate

1/11/2023

Date