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| **SUBJECT\*** | Design Build | 660-23-320 Xeriscape Campus project |

**GENERAL INFORMATION**

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| **CONTRACTING OFFICE’S ZIP CODE\*** | 80111 |
| **SOLICITATION NUMBER\*** | 36C25924R0081 |
| **RESPONSE DATE/TIME/ZONE** |  |
| **ARCHIVE** | 90 DAYS AFTER THE RESPONSE DATE |
| **SET-ASIDE** | SDVOSBC | |
| **PRODUCT SERVICE CODE\*** | Z2DA | |
| **NAICS CODE\*** | 236220 | |
| **PLACE OF PERFORMANCE** | Salt Lake City VAMC | |
|  | 500 Foothill Dr | |
|  | Salt Lake City UT | |
| **POSTAL CODE** | 84148 | |
| **COUNTRY** | USA | |

**CONTACT INFORMATION**

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| **CONTRACTING OFFICE ADDRESS** | Department of Veterans Affairs  Network Contracting Office  NCO 19  6162 South Willow Drive, Suite 300  Greenwood Village CO 80111 |
| **POINT OF CONTACT\*** | Contracting Officer  Christina Beeler-Blackburn  Christina.Beeler-Blackburn@va.gov |

**ADDITIONAL INFORMATION**

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| **AGENCY’S URL** | https://www.va.gov |
| **URL DESCRIPTION** | Department of Veterans Affairs |

**DESCRIPTION**

THIS IS A PRESOLICIATION NOTICE – A REQUEST FOR PROPOSAL TO BE POSTED ON OR ABOUT JUNE 3, 2024.

**DB Xeriscape Campus project (660-23-320) – Salt Lake City VAMC**

**36C25924R0081**

The Department of Veteran’s Affairs has a requirement for a qualified design-build contractor to provide all labor, materials, tools, and equipment necessary to provide design-build services to xeriscape certain specified areas on campus totaling to approx. 40,000 square feet.

The chosen contractor is to provide all materials and labor to complete all landscaping services and design. The general scope of this project consists of replacing 7 grass areas with low-water usage xeriscaping. Work includes all landscaping and irrigation design and construction services.

The NAICS code for this procurement is 236220 with a small business size standard of $45.0 M. The magnitude of this project is between $500,000.00 and $1,000,000.00. This project will be 100% set-aside for Service-Disabled Veteran-Owned Small Businesses, as stated below.

The POC for this project will be Christina Beeler-Blackburn. He can be contacted at 303-712-5744 or email at Christina.Beeler-Blackburn@va.gov.

**Important Notice: Apparent successful offerors must apply for and receive verification from the Small Business Administration (SBA) through the SBA certification database via 13 CFR Part 128, VAAR 819.7011, and VAAR 819.7003 by submission of documentation of Veteran status, ownership and control enough to establish appropriate status.  Offerors must be both VISIBLE and VERIFIED by the SBA certification database at the time of offer submission.  Failure to be both VERIFIED by SBA and VISIBLE on the SBA certification database at the time of offer submission and contract award will result in the offeror’s proposal being deemed non-compliant. All offerors are urged to contact the SBA and submit the required documents to obtain verification of their SDVOSB status if they have not already done so.**

**852.219-73  VA Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside.**

As prescribed in 819.7011, insert the following clause:

VAAR 852.219-73 VA NOTICE OF TOTAL SET-ASIDE FOR CERTIFIED SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESSES (JAN 2023) (DEVIATION)

(a) *Definition.* for the Department of Veterans Affairs, “*Service-disabled Veteran-owned small business concern or SDVOSB”:*

(1) Means a small business concern -

(i) Not less than 51 percent of which is owned by one or more service-disabled Veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled Veterans or eligible surviving spouses (see VAAR802.101, Surviving Spouse definition).

(ii) The management and daily business operations of which are controlled by one or more service-disabled Veterans (or eligible surviving spouses) or, in the case of a service-disabled Veteran with permanent and severe disability, the spouse or permanent caregiver of such Veteran.

(iii) The business meets Federal small business size standards for the applicable North American Industry Classification System (NAICS) code identified in the solicitation document.

(iv) The business has been certified for ownership and control pursuant to 38 U.S.C. 8127, 13 CFR 128, and is listed as certified in the SBA certification database at https://veterans.certify.sba.gov/; and

(v) The business agrees to comply with VAAR subpart 819.70 and Small Business Administration (SBA) regulations regarding small business size, government contracting, and the Veteran Small Business Certification Program at 13 CFR parts 121, 125, and 128.

(2) The term “Service-disabled Veteran” means a Veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

(3) The term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(4) The term ‘‘small business concern owned and controlled by Veterans with service-connected disabilities’’ has the meaning given the term ‘‘small business concern owned and controlled by service-disabled veterans’’ under section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).

(5) The term “SDVOSB participant” or certified SDVOSB means a small business that has been certified in the SBA Veteran Small Business Certification Program and listed in the SBA certification database (see 13 CFR 128.102).

(b) General. In order for a concern to submit an offer and be eligible for the award of an SDVOSB set-aside or sole source contract, the concern must qualify as a small business concern under the size standard corresponding to the NAICS code assigned to the contract and be listed as an SDVOSB participant in the SBA certification database as set forth in 13 CFR 128.

(1) Offers received from entities that are not certified SDVOSBs and listed in the SBA certification database at the time of offer shall not be considered.

(2) Any award resulting from this solicitation shall be made to a certified SDVOSB listed in the SBA certification database who is eligible at the time of submission of offer(s) and at the time of award.

(3) The requirements in this clause apply to any contract, order, or subcontract where the firm receives a benefit or preference from its designation as an SDVOSB, including set-asides, sole source awards, and evaluation preferences.

(c) Representation. Pursuant to 38 U.S.C. 8127(e), only certified SDVOSBs listed in the SBA certification database are considered eligible to receive award of a resulting contract. By submitting an offer, the prospective contractor represents that it is an eligible and certified SDVOSB as defined in this clause, 13 CFR 121, 125, and 128, and VAAR subpart 819.70.

(d) Agreement/LOS certification. When awarded a contract action, including orders under multiple award contracts, an SDVOSB agrees that in the performance of the contract, the SDVOSB shall comply with requirements in VAAR subpart 819.70 and SBA regulations on small business size, and government contracting programs at 13 CFR part 121 and part 125, including the non-manufacturer rule and limitations on subcontracting (LOS) requirements in 13 CFR 121.406(b) and 13 CFR 125.6. For the purpose of limitations on subcontracting, only certified SDVOSBs listed in the SBA certification database (including independent contractors) shall be considered eligible and/or ‘‘similarly situated’’ (i.e., a firm that has the same small business program status as the prime contractor). An otherwise eligible firm further agrees to comply with the required LOS certification requirements in this solicitation (see 852.219–75 or 852.219–76 as applicable). These requirements are summarized as follows:

(1) Services. In the case of a contract for services (except construction), the SDVOSB prime contractor will not pay more than 50% of the amount paid by the government to the prime for contract performance to firms that are not certified SDVOSBs listed in the SBA certification database (excluding direct costs to the extent they are not the principal purpose of the acquisition and the SDVOSB/ VOSB does not provide the service, such as airline travel, cloud computing services, or mass media purchases). When a contract includes both services and supplies, the 50 percent limitation shall apply only to the service portion of the contract.

(2) *Supplies/products.*

(i) In the case of a contract for supplies or products (other than from a non-manufacturer of such supplies), the SDVOSB prime contractor will not pay more than 50% of the amount paid by the government to the prime for contract performance, excluding the cost of materials, to firms that are not certified SDVOSBs listed in the SBA certification database. When a contract includes both supply and services, the 50 percent limitation shall apply only to the supply portion of the contract.

(ii) In the case of a contract for supplies from a non-manufacturer, the SDVOSB prime contractor will supply the product of a domestic small business manufacturer or processor, unless a waiver as described in 13 CFR 121.406(b)(5) has been granted. Refer to 13 CFR 125.6(a)(2)(ii) for guidance pertaining to multiple item procurements.

(3) General construction. In the case of a contract for general construction, the SDVOSB prime contractor will not pay more than 85% of the amount paid by the government to the prime for contract performance, excluding the cost of materials, to firms that are not certified SDVOSBs listed in the SBA certification database.

(4) Special trade construction contractors. In the case of a contract for special trade contractors, no more than 75% of the amount paid by the government to the prime for contract performance, excluding the cost of materials, may be paid to firms that are not certified SDVOSBs listed in the SBA certification database.

(5) Subcontracting. An SDVOSB subcontractor must meet the NAICS size standard assigned by the prime contractor and be certified and listed in the SBA certification database to count as similarly situated. Any work that a first tier SDVOSB subcontractor further subcontracts will count towards the percent of subcontract amount that cannot be exceeded. For supply or construction contracts, the cost of materials is excluded and not considered to be subcontracted. When a contract includes both services and supplies, the 50 percent limitation shall apply only to the portion of the contract with the preponderance of the expenditure upon which the assigned NAICS is based. For information and more specific requirements, refer to 13 CFR 125.6.

(e) *Required limitations on subcontracting compliance measurement period.* An SDVOSB shall comply with the limitations on subcontracting as follows:

\_\_By the end of the base term of the contract or order, and then by the end of each subsequent option period; or

X\_By the end of the performance period for each order issued under the contract.

(f) Joint ventures. A joint venture may be considered eligible as an SDVOSB if the joint venture complies with the requirements in 13 CFR 128.402 and the managing joint venture partner makes the representations under paragraph (c) of this clause. A joint venture agrees that, in the performance of the contract, the applicable percentage specified in paragraph (d) of this clause will be performed by the aggregate of the joint venture participants.

(g) Precedence. The VA Veterans First Contracting Program, as defined in VAAR 802.101, subpart 819.70, and this clause, takes precedence over any inconsistencies between the requirements of the SBA Veteran Small Business Certification Program and the VA Veterans First Contracting Program.

(h) Misrepresentation. Pursuant to 38 U.S.C. 8127(g), any business concern, including all its principals, that is determined by VA to have willfully and intentionally misrepresented a company’s SDVOSB status is subject to debarment from contracting with the Department for a period of not less than five years (see VAAR 809.406–2 Causes for Debarment).

(End of clause)