

**DEPARTMENT OF VETERANS AFFAIRS
JUSTIFICATION AND APPROVAL
FOR
OTHER THAN FULL AND OPEN COMPETITION**

1. **Contracting Activity:** Department of Veterans Affairs (VA)
Network 23 Contracting Office (NCO 23)
708 3rd Street, Suite 200E
Minneapolis, MN 55415
701-13-4-1752-0061

2 **Nature and/or Description of the Action Being Processed:**

The proposed acquisition is for the award of a firm fixed price (FFP) purchase order under FAR Part 6.302-5 (b)(1) for the purchase, delivery, installation of new modular furniture to NCO 23 located at 708 South 3rd Street, Minneapolis, MN 55415, and the dismantling and delivery of existing modular furniture to, Minneapolis VA Health Care System located at One Veterans Drive, Minneapolis, MN 55417. Federal Prison Industries (UNICOR) shall provide all labor, supervision, components, hardware, and necessary parts for proper assembly/installation. The delivery of the new modular furniture shall not exceed 60 days after receipt of order (ARO).

3. **Description of Supplies/Services Required to Meet the Agencies Needs:**

The purpose of this procurement is to purchase modular office furniture for NCO 23 located at 708 South 3rd Street, Minneapolis, MN 55415, and the dismantling and delivery of existing modular furniture to, Minneapolis VA Health Care System located at One Veterans Drive, Minneapolis, MN 55417. UNICOR shall supply all materials, tools, labor, supervision, equipment and all necessary elements required to supply, disassemble, and install all deliverables. The price shall include complete design, delivery, set-up, travel and any other applicable costs. The estimated value of this requirement is \$35,000.00.

4. **Statutory Authority Permitting Other than Full and Open Competition:**

The statutory authority permitting other than full and open competition is 18 U.S.C. 4124 as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-5 (b)(1) entitled "Authorized or required by statute, Federal Prison Industries (UNICOR)."

5. **Demonstrate that the Contractors Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above:**

In accordance with the priorities for use of Government supply sources per FAR 8.002. Market research has been conducted to determine that these products and services are not available from (1) agency inventories, (2) excess from other agencies, but are available from (3) UNICOR (8.002(a)(1)(iii)).

The proposed source for this action is UNICOR a mandatory source. 6.302-5 (b)(1) allows sole source contracts between the VA and UNICOR.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable**

Additional market research was conducted through comparison of products offered by vendors on General Service Administration (GSA) Schedule. FAR 8.602 (a)(1) authorizes supplies and services from UNICOR if the procuring Contracting Officer has determined that UNICOR products are comparable in terms of price, quality, time, and delivery to items available from private sector. Additionally, the

proposed action will be synopsisized on the Federal Business Opportunities (FBO) in accordance with FAR 5.301.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

A review of UNICOR schedule items indicates that UNICOR offers items of comparable price, quality, time and delivery to other vendors. Per FAR Subpart 8.602 a unilateral determination has been made at the discretion of the procuring Contracting Officer that UNICOR items are comparable to supplies available from the private sector that best meets the Government's needs in terms of price, quality, and time of delivery and award will be made to UNICOR as authorized/required by statute.

8. Description of the Market Research Conducted and the Results or a Statement of the Reasons Market Research Was Not Conducted:

Market research conducted in accordance with FAR Part 10 determined that UNICOR products and services are comparable in terms of price, quality, time, and delivery to items available from the private sector. UNICOR is capable and able to provide the required supply or services in accordance with FAR Subpart 6.302-5 (b)(1).

9. Any Other Facts Supporting the Use of Other than full and Open Competition:

The required items and services specified in the product scope is fulfilled by using UNICOR in accordance with 18 U.S.C. § 4124 in accordance with FAR Subpart 6.302-5 (b)(1).

10. Listing of Sources that Expressed in Writing, an interest in the Acquisition:

Not Applicable

11. A Statement of the Action, if Any, the Agency May Take to Remove or Overcome any Barriers to Competition Before Making Subsequent Acquisitions for the Supplies or Services required:


The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.

All future requirements will be handled on a case by case basis to determine any future acquisition strategy. The statutory authority permitting other than full and open competition for this acquisition is 18 U.S.C. § 4124 Authorized or Required by Statute as implemented by FAR Subpart 6.302-5 (b)(1). The applicable statute is Public Law 108-447: "Division H of Consolidated Appropriations Act, 2005 (Pub. L. 108-447). The statute encourages agencies to do purchase FPI supplies and services to the maximum extent practicable.

The Procuring Contracting Officer has determined that this acquisition meets all FAR requirements under 18 U.S.C. § 4124 Authorized or Required by Statute as implemented by FAR Subpart 6.302-5 (b) (1). The applicable statute is Public Law 108-447: "Division H of Consolidated Appropriations Act, 2005 (Pub. L. 108-447).

12. **Requirements Certification:**


I certify that the requirement outlined in this Justification is a Bona Fide urgent need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification are accurate and complete to the best of my knowledge and belief.


Mitzi O'Brien

9-19-2013
Date


Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


Christopher Vu
Contracting Officer

9-19-2013
Date

- b. **FCM:** I certify the justification meets requirements for other than full and open competition and I approve for Other than full and open competition.


Sandra McAnany
Product Line Contract Manager, NCO 23

9/19/2013
Date