

Attachment B: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS Justification

and Approval

For

Other Than Full and Open Competition (Equipment)

1. **Contracting Activity:** Department of Veterans Affairs, VISN 12, Captain James A. Lovell Federal Health Care Center, North Chicago, IL and Great Lakes Acquisition Center, Honey Creek II, Suite 101, 115 South 84th Street, Milwaukee, WI 53214. The Project Number 556-13-106, 2237 Number 556-14-1-6977-0002 in the amount of \$468,035.00. The total estimated amount for sole source material is \$149,360.00

2. **Nature and/or Description of the Action Being Processed:** New Contract, firm fixed price.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

Solicitation: VA69D-14-B-0018

Project: 556-13-106

Estimated Cost of IFB Contract - \$468,035.00

- Estimated Delivery Date/POP – Award - November 2013 / 130 Days POP
- Estimated Cost of Sole Source – Terrazzo Flooring/Stone Facing:

<u>Quantity</u>	<u>Cost per</u>	<u>Total Cost</u>
7,468 SF	\$20.00	\$149,360.00

Project Need; The Captain James A. Lovell Federal Health Care Center (Lovell FHCC) has a requirement for replacement of flooring in the OR Suite. This work is to provide flooring that will stand up to the usage and provide a surface which will be appropriately cleanable.

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

- ( X ) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- ( ) (2) Unusual and Compelling Urgency per FAR 6.302-2;
- ( ) (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- ( ) (4) International Agreement per FAR 6.302-4
- ( ) (5) Authorized or Required by Statute FAR 6.302-5;
- ( ) (6) National Security per FAR 6.302-6;
- ( ) (7) Public Interest per FAR 6.302-7;

5. **Demonstration that the Material's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority)**: Product integration with existing flooring mandatory to effectively operate cohesively throughout the hospital. Different flooring will not be compatible or functional if purchased as different brand products due to different maintenance requirements.

This product **MatsInc Floorazzo tile in Marble Series** is the only product that has been specified for the surgical and endoscopy procedure areas throughout the Lovell FHCC facility. Additionally, installation of same components that match the installations minimizes maintenance costs and bench stock requirements. This is a room finish item that is inherent to the notes below.

This product, **the Material and Room Finish Schedule**, is an integration of colors, textures, finishes, and components meeting requirements for geriatric and acute care patients.

- Many factors within interior spaces affect the health, both mental and physical, of occupants. It is the responsibility of the proper interior design to positively affect health and healthy behaviors, as well as help reduce negative behaviors, eliminate harmful substances in the environment, and prevent the spread of disease.
- Changing of one component of this integrated design results in a domino effect invalidating the contrasting color requirements for visual impairments and patient safety.
- The room finish design manufacturers indicated below comply with all VA regulations, standards, green environmental management standards, and energy requirements for hospital and medical center environments.
- The room finish design components have been integrated with other design elements of the project such as lighting fixtures, bathroom fixtures, beds, head end equipment, furnishings, blinds, window treatments, hardware, medical equipment, audio visual equipment, and signage. Changing of one component of this integrated design results in an adverse domino effect eradicating the above mentioned items of the contract.

Sole source items summary - to be in VAAR 852.236-90 Restriction on submission and use of equal products

This clause applies to the following items:

<u>System / Equipment</u>	<u>Manufacturer and Model</u>
Interior Flooring/ <b>MatsInc Floorazzo tile in Marble Series</b>	Reference Interior Schedule

Notwithstanding the "Material and Workmanship" clause of this contract, FAR 52.236-5(a), nor any other contractual provision, "equal" products will not be considered by the Department of Veterans Affairs and may not be used.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable**: Other equipment manufacturers or sources not researched as this request is for sole source equipment that has full interface and compatibility with existing facility surgical and endoscopy procedure areas. The only reasonable and practicable way that the VA can accomplish the things identified is by using a product that has the features or capabilities identified in Item #3 above.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Price reasonableness will be determined by comparing the ICGE estimated costs for each piece of equipment against the IFB low bidder individual element costs. Competition in bidding for the entire project by qualified SDVOSB firms will ensure lowest price from available contractors qualified to perform the construction, purchase, and/or installation of this equipment. All bidders will have the opportunity to quote these equipment items from the sole source manufacturer or distributor. Lowest bidder that is responsive and responsible will be awarded the primary construction contract and all individual sole source equipment items within the contract.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Other equipment manufacturers and sources for these products has not been researched recently as this request is for sole source **Floorazzo tile in Marble Series** flooring that has full interface and compatibility with existing facility surgical and endoscopy procedure areas. The only reasonable and practicable way that the VA can accomplish the things identified is by using products that have the features or capabilities identified in Item 5 above. The VA needs to ensure that flooring systems and maintenance is maintained to ensure patient and worker safety. Also, the VA needs to ensure the interior flooring finishes installed throughout the surgical and endoscopy procedure areas positively comply with all VA standards. This is a “full and open” competition after exclusion of sources (SDVOSB firms). the sole source items selected for this project and these products (**MatsInc Floorazzo tile in Marble Series**) are the best choices to gain success in overall constructability, quality, and time. The contractors and customers (VA) alike both have a working knowledge of these supplies and flooring material. Attempting to integrate different manufacturers’ flooring material can cause several new issues to include lack of quality, non-compatibility, additional time and materials due to change requirements, customer service response timing, and overall maintenance and material cleaning issues that will increase costs to the VA.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Attempting to allow “Brand Name or Equal” for these products may cause extensive additional costs in change orders due to incompatibility with existing flooring in the surgical and endoscopy procedure areas. Having equal salient characteristics will not guarantee compatibility with existing flooring, spaces, and structures due to the already integrated systems throughout the hospital. In addition, additional costs may arise from additional maintenance needs, and interoperability between flooring requirements. If any, these field changes will already have been designed into the project with the LISTED items per this “schedule”. To change to “brand name or equal” may then require additional design changes.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** *See Section-6 above -* Expectation per market research anticipates 7-10 bidders to compete for IFB low bid, which will be reflected on all equipment and materials at lowest price in addition to construction costs at best price. The construction project overall was posted to FBO as a pre-solicitation construction contract. Several inquiries from interested parties have been received regarding this project and its requirements, to include solicitation posting time.
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** None.

- Craig Marriner*  
 Craig Marriner  
 Interdisciplinary Engineer  
 Lovell FHCC