

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:**

Department of Veterans Affairs, Dayton VA Medical Center
Engineering Service (138)

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

Requirement of contractor to use "CISCO" data and telephone switches for use in data closets to serve data outlets, referenced in 27 51 15, for Project No.: 552-14-101, Patient Environmental Enhancement (Bldg. 320 – Pod D) with a J&A estimated construction cost of \$17,000.00.

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

As part of a project to renovate Building 320, Unit D, for dementia patient at the Dayton VAMC, the existing data and telephone systems will be expanded to provide more efficient monitoring of the patients.

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

41 USC §253(c)(1), as implemented by FAR 6.302-1. The specific paragraph must be cited. Most likely, only the -1 or -2 authorities will be cited. Please be aware that failure to adequately plan for future requirements does not constitute appropriate use of the unusual and compelling urgency statutory authority.

- (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 Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

Cisco has proprietary communication protocols on their switches, which by their very nature are designed to be used with other Cisco and only other Cisco products. Because the switches are proprietary, only that manufacturer can create a switch which will operate with the existing switching environment. The reason for proprietary switches is due to the performance risk to the network. The switch allows computers to talk to other computers and could cause a possible loss of network and therefore loss of data.

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

It has been proven that interchanging switch manufacturers in a network will lead to outages. Any outage to the network will impact patient care. Cisco is needed to interface with the current equipment and keep the network up and running smoothly. This solicitation will be publicized via FedBizOpps.

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

There have been previous purchases for the Cisco switches. The Contracting Officer will be able to determine a fair and reasonable pricing based on previous procurement history and commercial pricing. A fair and reasonable price determination will be made by the Contracting Officer based on competition.

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

Market research has been previously conducted for prior projects, concerning this subject. This product is open for the public to purchase, this allows any contractor who has been properly trained on the product to install. The certification classes are also open to the public. There are at least five (5) contractors in the tri-state area who currently can install these products.

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

Data switches play a critical role in patient care. Besides the necessity of keeping the network running, if something were to happen to the equipment, which would also compromise the network, the equipment would be able to be fixed with parts that are kept on site for the Cisco network. A single source manufacturer of the data network switches keeps the integrity of the network in tack and allows for prompt technical support whenever problems occur.

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

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:

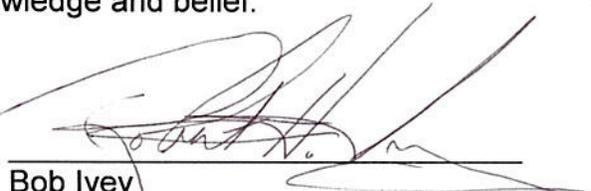
No action can be taken in the circumstance due to the equipment being under warranty and the need to maintain this warranty.

12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide 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.


Name: Mark Permelia
Date: 1/24/14
Title: Chief, Projects and Environmental Section
Facility: Dayton VA Medical Center (552)

13. 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.


Bob Ivey
Contracting Officer
NCO 10/Dayton
Date: 1/23/14

b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.


Donald Tam
Supervisory Contract Specialist - Construction
NCO 10
Date: 1/24/2014