

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval
For
Other Than Full and Open Competition**

1. Contracting Activity:

Department of Veterans Affairs, VISN 10, Dayton VA Medical Center - Engineering Service (138)

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

The requirement is for the contractor to use manufacturer's trade names or numbers to identify colors, finishes, textures and patterns for Project No.: 552-14-101 - "Enhance Patient Environment CLC" (Bldg. 320 – Pod D).

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

As part of the project to Enhance the Patient Environment in Building 320 – Pod D new and existing wall surfaces will need to be painted. Thus, products of other manufacturer's equivalent to colors, finishes, textures and patterns of manufacturers listed that meet requirements of technical specifications will be acceptable upon approval in writing by CO or COR per specification 09 06 00.

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):

Use manufacturer's trade names or numbers to identify colors, finishes, textures and patterns for Project No.: 552-14-101 – "Enhance Patient Environment – CLC".

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

The VAMC Dayton has gone through an extensive Master Plan project that has identified paint colors that are to be used on medical funded projects.

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

It is in the best interest of the government to use this product. The pricing is in line with pricing provided to the vendor's other commercial customers, and is considered to be fair and reasonable. The pricing will be determined to be fair and reasonable to the government based on competition and commercial price lists as applicable.

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

The master plan has established here at the Dayton VAMC paint colors that are to be used on medical funded projects.

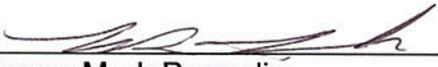
9. Any Other Facts Supporting the Use of Other than Full and Open Competition: NA

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, Project 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
Date: 1/24/2014
Supervisory Contract Specialist – Construction
NCO 10