

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 4, Lebanon Veterans Affairs Medical Center (LVAMC) Justification for Other Than Full and Open Competition, Automatic Transfer Switch Replacement Project #595-14-106, Purchase Request Number Unknown
2. **Nature and/or Description of the Action Being Processed:** Justification for Other Than Full and Open Competition for the use of automatic transfer switches brand name specifications in the solicitation for construction services for Automatic Transfer Switches Replacement, Project #595-14-106. The brand name specification will be awarded as part of a new contract, specifically a firm-fixed price contract. The total dollar amount is estimated to be [REDACTED] for the brand name items and [REDACTED] for the entire construction contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Agency requires the furnishing, installation and connection of three ASCO 7000 Series Automatic Transfer Switches, including start-up and commissioning to ensure proper operation. See Specification Section 28 31 00 for more details.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(1), as implemented by FAR 6.302-1.

 - (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):** ASCO 7000 Series Power Transfer Switches are specifically designed for the critical power needs of the healthcare industry. The LVAMC currently has ASCO Power Transfer Switches installed in multiple buildings located on campus and the LVAMC has been working towards uniformity and compatibility with transfer switch equipment campus wide. Having uniformity and compatibility leads to a more cost effective environment for the medical center because less equipment, material and training is needed to service multiple types of equipment.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Not applicable as the brand name requirement will be solicited as part of a larger project to replace the transfer switches in Building 1.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Not applicable as the Government will not be purchasing this item separately but rather as part of a construction project. The contract will be awarded for a firm-fixed price and price

reasonableness will be determined based on competition. Based on past procurement history for A/E and construction services, there is a reasonable expectation of receiving offers from two or more responsible SDVOSB concerns.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: See #5 above.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: None.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: [REDACTED] from [REDACTED] emailed the CO on 05-13-2014 asking if there was still time left to place a bid. As noted above, the brand name requirement will be competed as part of a larger acquisition. The CO advised [REDACTED] that the solicitation was scheduled to be posted to FBO.gov on or around 05-19-2014, as indicated in the pre-solicitation notice.

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.

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.

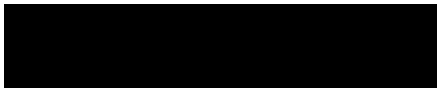


Thaddeus Kocuba
Chief Facility Manager, Engineering
Lebanon VAMC

5/16/14
Date

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.



Rachel A. Turk
Contracting Officer
Lebanon VAMC

05-16-2014
Date

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



Seth J. Custer
Chief of Contracting, Lebanon VAMC
VISN 4

5-19-2014
Date