

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, Program Contracting Activity Central (PCAC)
2. **Nature and/or Description of the Action Being Processed:** The proposed sole source action is for 4140 tons of biomass wood chips for delivery to the Combined Heat and Power (CHP) Plant - Battle Creek VA Medical Center, 5500 Armstrong Road, Battle Creek, MI 49037. The proposed contract action will be Firm-Fixed Price awarded to Brinks Wood Products, 1175 76<sup>th</sup> ST SW, Byron Center, MI 49315.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This supply of biomass wood chips is needed for a base period of August 18, 2014 through September 30, 2014. A one (1) month option for the period of October 1, 2014 through October 31, 2014 has also been included as a contingency plan in case a long term contract is not in place by October 1, 2014. The total estimated value of the base and option period is \$500,940.00.
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 Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

The CHP Plant at Battle Creek VAMC provides an efficient and clean approach to generating electric power and useful thermal energy from a single fuel source. In this case, the fuel source is biomass wood chips. The plant, installed under contract VA701-C-0107, is currently in the commissioning phase. Brink Wood Products, a subcontractor, is supplying the biomass wood chips. The prime contractor, Demaria Building Company, has provided laboratory testing of the wood chips to ensure that manufacturer specifications of Nexterra gasification system are being met. The scheduled contract completion date is August 18, 2014 at which time the Government (DVA) is required to provide wood chips. Accordingly, and based on the authority provided by FAR 6.302-1(a)(2)(ii)(B), Brink Wood Products is the only firm capable of providing the wood chips in sufficient time to allow government acceptance of the CHP plant and sustain its operation until a long term contract for wood chips can be put in place.

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

This requirement was solicited for under RFQ VA701-14-Q-0010 as a small business set aside on March 10, 2014. Only one proposal was received in response to this solicitation. Evaluations were conducted, including product sample testing by a laboratory, and it was determined that the proposal was technically unacceptable.

Re-soliciting this requirement as full and open would result in unacceptable delays in fulfilling the requirements of the Battle Creek VA Medical Center CHP system, which needs biomass wood chips on or around August 18, 2014. Part of the technical evaluation is to send product samples to a testing laboratory for analysis for conformance to the specifications. This process takes several weeks. Brink's product has already been tested and determined to meet all manufacturer specifications. Brink has also confirmed it is able to provide the required amount of biomass wood chips for the short term period of performance (August 18, 2014 – September 30, 2014; with an option for one additional month).

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The contracting officer will ensure that the price is fair and reasonable prior to awarding a contract. Price analysis will be conducted in accordance with FAR 15.404-1(b), specifically by comparing the proposed price to historical prices paid for the same or similar items. Certified cost and pricing data is not required as the product is a commercial item (FAR 14.403-1(b)(3)).

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Paragraph 6 above describes the market research effort and recent unsuccessful solicitation attempt regarding the proposed acquisition.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** N/A

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See paragraph 6 above.

**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:** The contracting officer will re-solicit this requirement using unrestricted full and open competition. The SOW will be updated to incorporate manufacturer specifications for wood chips.

**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.

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ROBERT PAVLOVIC  
Energy Engineer  
Battle Creek VA Medical Center

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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.

Andrew J.

Neiss 198419

Digitally signed by Andrew J. Neiss 198419  
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ANDREW NEISS

Contracting Officer

Program Contracting Activity Central

\_\_\_\_\_  
Date

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



RICHARD DAHMEN

Program Contract Manager

Program Contracting Activity Central

  
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Date