

**NETWORK CONTRACTING OFFICE (NCO 9)**

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION**

10 USC 2304(c) or 41 USC 3304(a)

1. REQUISITION / CONTRACT No.	2. TOTAL ESTIMATED COST:	3. PROPOSED CONTRACTOR:	4. REQUESTING ACTIVITY:	5. CONTRACTING ACTIVITY:
621-14-3-5082-0068	\$106,000.00	Anders Mattsson Construction DBA: Anders CE  2065 Nordic Lane Pollock Pines, CA 95726 916-383-1489	Engineering (138)  Wesley Rosenbalm 423-926-1171 x7558 VA Medical Center Mt. Home, TN 37684-4000	Craig Ziegemeier 1639 Medical Center Parkway, Suite 400 Murfreesboro, TN 37129  615-225-6409

**6. STATUTORY AUTHORITY: AUTHORITY PERMITTING THE USE OF OTHER THEN FULL AND OPEN COMPETITION**

☐ **FAR 6.302-1 – Only one responsible source and no other supplies or services will satisfy agency requirements** [41 USC 253(c) (1)]: The supplies or services required by the Agency are available from only on responsible source and no other supplies or services will satisfy agency requirements.

☐ **FAR 6.302-1(c) – Only one responsible source and no other supplies or services will satisfy agency requirements** [41 USC 253(c) (1)]: **Brand Name Justification.** The use of such descriptions in the acquisition is essential to the Government's requirement, thereby precluding consideration of a product manufactured by another company.

☒ **FAR 6.302-2 – Unusual and compelling Urgency** [41 USC 3304(a)(2)]: The agency's need for the supplies or services is of such an unusual and compelling urgency that the government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals. (*NOTE: These justifications may be made and approved after contract award when preparation and approval prior to award would unreasonably delay the acquisition. Lack of advanced planning is not justification for the use of this authority.*)

☐ **FAR 6.302-3 – Industrial Mobilization; engineering, development, or research capability; or expert services** [41 USC 253(c) (3)]: It is necessary to award the contract to a particular source or sources in order (i) to maintain a facility, producer, manufacturer, or other supplier available for furnishing supplies or services in case of a national emergency or to achieve industrial mobilization, or (ii) to establish or maintain an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center or (iii) to acquire the services of an expert neutral person for any current or anticipated litigation or dispute.

☐ **FAR 6.302-4 – International agreement** [41 USC 253(c) (4)]: Full and open competition need not be provided for when precluded by the terms of an international agreement or a treaty between the United States and a foreign government or international organization, or the written directions of a foreign government reimbursing the agency for the cost of the acquisition of the supplies or services for such government.

☐ **FAR 6.302-5 – Authorized or required by statute** [41 USC 253(c) (5)]: A statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source, or the agency's need is for a brand-name commercial item for authorized resale.

☐ **FAR 6.302-6 – National security** [41 USC 253(c) (6)]: The disclosure of the agency's needs would compromise the national security unless the agency is permitted to limit the number of sources from which it solicits bids or proposals.

☐ **FAR 6.302-7 – Public Interest** [41 USC 253(c) (7)]: The agency head determines that it is not in the public interest to use full and open competition in the particular acquisition concerned.

**7. NATURE AND/OR DESCRIPTION OF THE ACTION BEING APPROVED:** Contractor to perform

immediate system-wide in depth relay coordination study in conjunction with the Johnson City Power Board and ESG to determine cause of system wide power outage and provide remedies. This study is urgent and compelling due to multiple types of equipment that have been damaged due to recent outages, which have impacted multiple services. These electrical outages have caused safety issues for the employees and patients of the facility as well as delay in patient care.

**8. A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS, INCLUDING THE ESTIMATED VALUE:**

Estimated value is \$106,000.00. Work shall be coordinated with the COR.

Project involves the following:

- (1) Perform an immediate system-wide in depth relay coordination study in conjunction with the Johnson City Power Board and ESG as needed.
- (2) Review current VA protection scheme and logic to ascertain if the best protection scheme is in place to maintain service. Particular attention will be paid to the control scheme for the backup power to the facility. Provide written recommendations and drawings for any changes suggested as a result of this review.
- (3) Perform a short circuit/fault study.
- (4) Perform Arc flash study/assessment.
- (5) Recommend remote access/SCADA options with current Siemens protective equipment.
- (6) Update all drawings related to one line and control scheme.
- (7) Recommend additions/protections to existing VA electrical systems.
- (8) Provide on-site training/review on all reports and findings from 1-7.

**9. A DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED:**

Due to the threat to individuals and damage to equipment caused by unforeseen power outages, this project is unusual and compelling urgency under FAR 6.302-2, 41 USC 3304(a)(2). Investigative measures must be taken immediately to determine the cause of the power outages and provide guidance to correct the problem(s). Anders CE has experience at VA hospitals, with the situation VAMC Mt. Home faced last week with a full power outage, which if it happens again could cause more damage including damage to the main generator as well as endanger the safety of those on campus. Anders Mattsson Construction DBA: Anders CE is a service disabled veteran owned small business (SDVOSB) under NAICS code 541330 with a small business size of \$14 million.

**10. A DESCRIPTION OF THE EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE, INCLUDING WHETHER A NOTICE WAS OR WILL BE PUBLICIZED IN REQUIRED BY SUBPART 5.2 AND, IF NOT, WHICH EXCEPTION UNDER 5.202 APPLIES:** N/A – Unusual and compelling urgency under FAR 6.302-2, 41 USC 3304(a)(2). A notice of intent to sole source will be published to Federal Business Opportunities (FBO).

**11. A DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE:**

The fee proposal from the contractor is inline with the IGCE considering the cause of the power outages is currently unknown. The IGCE is \$105,987.13. The anticipated cost will be fair and reasonable based on the development of the IGCE and current market conditions for electrical system assessment. With the concurrence from the Chief of Engineering for Mt. Home, the price is considered fair and reasonable.

**12. A DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:**

The contracting officer has determined that this service is urgent and compelling and requires immediate assessment and correction to prevent injuries, death and damage to equipment under FAR 6.302-2 and is in the best interest of the government.

**13. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION:** Unusual and compelling urgency under FAR 6.302-2 in accordance with 41 USC 3304(a)(2).

**14. A LISTING OF THE SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION:** N/A.

# **NETWORK CONTRACTING OFFICE (NCO 9)**

## **JUSTIFICATION OTHER THAN FULL AND OPEN COMPETITION 10 USC 2304(c) or 41 USC 253(c)**

This justification has been prepared under the authority of 41 USC 253(c) as set forth in FAR 6.3. This Justification documentation shall conform to guidance in FAR Part 13 for acquisitions at or below the simplified acquisition threshold (>\$150,000). For acquisitions above the simplified acquisition threshold, the documentation shall conform to guidance in FAR Part 6, Department of the Veterans Affairs Acquisition Regulation and Procurement Policy.

Federal Acquisition Regulation (FAR) 6.3 Other than Full and Open Competition, (a) 41 U.S.C. 253(c) and 10 U.S.C. 2304(c) each authorize, under certain conditions, contracting without providing for full and open competition. The Department of Defense, Coast Guard, and National Aeronautics and Space Administration are subject to 10 U.S.C. 2304(c). Other executive agencies are subject to 41 U.S.C. 253(c). Contracting without providing for full and open competition or full and open competition after exclusion of sources is a violation of statute, unless permitted by one of the exceptions in 6.302.

### **15. CERTIFICATION AND SIGNATURE APPROVALS:**

Pursuant to FAR 1.707 Signature Authority, this Justification has been thoroughly reviewed and recommends approval. I certify that the above facts and representations under my cognizance that are included in this Justification are accurate and complete to the best of my knowledge and belief.

	TITLE	TYPE NAME	SIGNATURE	DATE
<input checked="" type="checkbox"/>	COR (If Applicable)	Wesley R. Rosenbalm	<i>Wesley R. Rosenbalm</i>	6/19/14
<input checked="" type="checkbox"/>	Chief Engineer	Kevin Milliken	<i>Kevin Milliken</i>	6/19/14
<input checked="" type="checkbox"/>	Contracting Officer	Craig S. Ziegemier	<i>Craig S. Ziegemier</i>	6/19/14
<input type="checkbox"/>	Supervisor	Kenneth N. Hooks, Jr.	<i>Kenneth N. Hooks, Jr.</i>	6/19/14