

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

**1. Contracting Activity:**

Department of Veterans Affairs,  
VISN 02  
Canandigua Medical Center  
Purchase Requests #528-41-3-5720-0010 & 528-14-2-5719-0009

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

Release of a competitive solicitation for Brand-Name-Only Harris Radios and Accessories.

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

Twelve (12) ea. Harris XG-100P Portable Radios  
Six (6) ea. Harris XG-25P Portable Radios  
Two (2) Harris XG-100M Mobile Radios with CS-7000 Desktop Docking Station  
Radio Accessories (Batteries, Chargers, Belt Clips, Antennae, Ear Pieces) – See Purchase  
Requests for itemized breakdown

Anticipated Cost: [REDACTED]

**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):**

Over the course of the past decade, the Department of Homeland Security and the FCC have developed the P25 standard for the design and manufacture of interoperable digital two-way wireless communication products. The P25 standard provides a common set of standards all radio equipment manufacturers must meet to ensure that the needs of public safety officials are being met and that an efficient migration plan has been developed to transition to digital communications. In 2013, Ontario County (the county in which the city of Canandaigua and the Canandaigua VA Medical Center are located) implemented their P25 plan to come into compliance with the FCC's narrowband mandate for digital communications. This was accomplished in part via a \$9 Million award to Harris to upgrade the public safety radio communications system. This included installation of the Harris network and P25IP system.

While the P25 standard exists to maintain a basic standard for voice communications, the P25 trunking systems offered by Harris and other wireless radio manufacturers contain additional functionality over and above traditional voice communications. Data interfaces are incorporated into the trunks and permit features such as text messaging, GPS and location services, Voice-Over-IP, or additional encryption protocols. While a P25 trunk will permit voice communications among any P25 radio of any manufacture, these value added features mentioned above are proprietary to the manufacturer of the trunk. The enhanced features of Harris portable radio will only function correctly when interfacing with a Harris trunk. Conversely, a portable radio containing these same features but made by a different manufacturer will not be able to utilize these features on a Harris trunked system. Due to the fact that Ontario county is utilizing a Harris solution, the enhanced features of a non-Harris radio will not be usable in or around the Canandaigua VA Campus. The radios being requested in this action all contain this functionality and "like" items offered by competitors cannot offer full functionality. Accordingly, Harris Corporation and its distributors are the only companies capable of supplying equipment able to utilize all the features being requested.

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

Internet research was initially conducted on GSA Advantage. The XG-100P and XG-100M radios and many of their accessories were found under GSA schedule contract GS-35F-0407L. Additionally, many of the accessories to the XG-25P radio were also found on the same contract. There is only one source able to offer these items on schedule, however. On the open market, Harris uses several distributors, Finger Lakes Communications being one regional small business distributor for this equipment. Given the likelihood that competition exists on the open market, a combined synopsis/solicitation will be posted to FBO upon approval of this action.

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

Many of the items being procured are available on GSA schedule contract #GS-35F-0407L. The pricing for these items has already been determined to be fair and reasonable upon award of the GSA contract. Additional market research has determined that Harris Corporation has established many IDIQ-type contracts with state and local governments for their wireless radio products. When compared to the prices established with these municipalities, the pricing for the open market items are shown to be comparable to the negotiated pricing listed in these governmental IDIQ contracts. While it can be expected that a small business set-aside will result in slightly inflated prices compared to a purchase direct from Harris, competition within the marketplace should minimize any price increases. This competition, compared with known prices when purchasing directly from Harris, will serve as the basis for establishing price reasonableness.

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

Initially, market research was conducted on GSA Advantage. Many of the requisite items were found on Harris' GSA schedule. One type of portable radio and many accessory items however would need to be procured on the open market. A review of FPDS was then conducted in an attempt to find similar recent awards. FPDS results for the necessary radios showed that the majority of awards have been made directly to Harris. Two recent awards by the DoD were found to be made to small business. In September, 2010, the Army made an award to Superior Communications, while another award was made by the Army in July, 2013 to Waveband Communications. Additional internet research was conducted and it was determined that Superior Communications is still an authorized Harris distributor. While Waveband's website features Motorola products exclusively, a Waveband representative (Nick) confirmed their ability to offer a quote on Harris radios via e-mail. Finally, a third company, 49er Communication was located on the internet as an authorized distributor and seller of Harris

radios. All three companies were researched in SAM. All are small businesses and have an active listing in SAM. Based on this information, a small business set-aside can be utilized for this 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 Section VI, 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:**

As part of their mission, the safety department routinely monitors the marketplace for the introduction of new technology that would be beneficial. Any subsequent procurements will take into account this up-to-date knowledge. If newer, more appropriate, products become available, a competitive solicitation will be conducted.

**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 Palmer  
Emergency Preparedness Coordinator  
Canandaigua VAMC

**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.

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Marc Amorese  
Contract Specialist  
NCO 2

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

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Irma Ferro  
Supervisory Contract Specialist  
NCO 2