

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 04, *0595 Lebanon Veteran Affairs Medical Center (LVAMC)*, Building 19, 1700 South Lincoln Avenue, Lebanon PA 17042. This is a "Justification for Other Than Full and Open Competition, Brand Name Only." Transaction Number 595-14-3-5082-0121.
2. **Nature and/or Description of the Action Being Processed:** The proposed action is for use of brand name Mixed Oxidant Solution (MOS) water treatment system from MIOX Corporation. This action will be awarded under a new contract and the type of contract planned is firm-fixed-price. [REDACTED]  
[REDACTED]
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**
  - The proposed action is for all labor, materials, parts, equipment, supervision and quality assurance necessary to install two (2) of the selected automated water treatment systems, one (1) that will treat all incoming potable water and one (1) that will treat the water used for the cooling tower for the Lebanon VAMC. Proposed action also includes the installation and maintenance of all the equipment to be provided. Salt shall be provided that meets the purity standards set by MIOX Corporation to be used in the MIOX generators. The equipment shall be leased to the Lebanon VAMC for one (1) year with the ability to continue if necessary. Each location must have the following equipment provided, installed and maintained:
    1. Two (2) MIOX Rio Zuni on-site Generators
    2. One (1) Mixed Oxidant Containment Tank
    3. One (1) Prominent Delta Series Pump with Auto Degassing System
    4. One (1) Chlorine Analyzer Controller
  - The anticipated period of performance is one (1) year and four (4) option periods.
  - The period of performance shall begin from date of contract award. Installation of the MIOX System is thirty (30) calendar days or less from the date of contract award.
4. **Statutory Authority Permitting Other than Full and Open Competition:**

FAR Part 13.106(1)(b) – Brand Name Item.
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Lebanon VAMC currently has two (2) MIOX water treatment systems in use, one (1) to treat potable water in Building 6 and another unit that treats Building 24's swimming pool. The MIOX water treatment system meets the facilities requirements for water treatment, which complies with the VHA Directive 1061, "Prevention of Healthcare-Associated Legionella Disease and Scald Injury from Potable Water Distribution Systems". [REDACTED] The MIOX Water Treatment System is monitored by daily water testing and recorded by Lebanon VAMC's Engineering and Infectious Control Departments.

The MIOX system uses only sodium chloride (table salt) and electric power to create the mixed oxidant solution, which treats the water. This means that Lebanon VAMC is only required to store table salt to support the water treatment system. Table salt does not share the storage restrictions that other chemicals used in water treatment have, so it requires less space and is less costly to store. Should another chemical be utilized (i.e. Chlorine), this would present an additional cost to the government in terms of the storage space needed to be acquired and any associated training involved in learning to handle the new chemicals. In addition, these chemicals are more costly to procure. The Lebanon VAMC is currently set up with facilities and staff to support the MIOX water treatment system.

Accordingly, the MIOX water treatment system is the only brand of system capable of providing services described in Section III above without the Lebanon VAMC experiencing an unacceptable increase in associated costs.

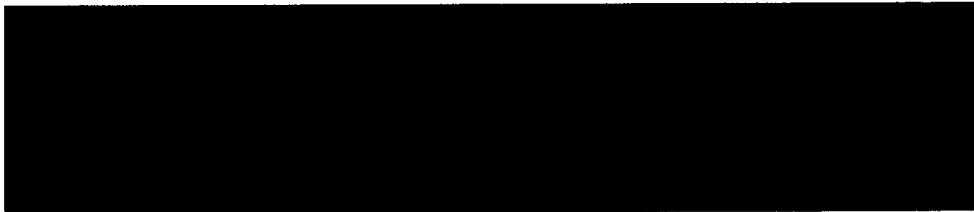
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This requirement is being solicited as a small business set-aside.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost will be considered fair and reasonable based on current market research. The Government considers purchase history and comparison to similar products in the market. The Contracting Officer will determine the price to be fair and reasonable IAW FAR 13.106-3(a).
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The GSA Advantage website was reviewed. The MIOX machine on GSA can only be purchased, not leased.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** MIOX Corporation is the original equipment manufacturer. Sources can obtain product from distributors.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Chemstar, WaterChem, Klenzoid, and Garrett Callahan.
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:** Should any future follow-on actions be contemplated, the government would revisit the requirement for brand-name at that time.

- 12. Requirements Certification:** I certify that the requirement outlined in this Brand Name justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in this Brand Name justification, are accurate and complete to the best of my knowledge and belief.



**13. Approvals**

- a. **Contracting Officer's Certification: (required)** I certify that the foregoing Brand Name justification is accurate and complete to the best of my knowledge and belief.



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

