

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

Under the authority of the Test Program for Commercial Items at 41 U.S.C 1901

1. Contracting Activity:

Department of Veterans Affairs
VISN 2
WNY Medical Campus – Buffalo, NY & Batavia, NY

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:

55 ea. Harris Portable Radios #XG-100P
2 ea. Harris Mobile Radios #XG-100M
55 ea. Antenna for Unity Radio
55 ea. Speaker Microphone
28 ea. Belt Clips
27 ea. Belt Loops
24 ea. Earphone
79 ea. Li-Polymer Batteries
15 ea. Single Bay Chargers
11 ea. 6-Bay Chargers
3 ea. Programming Software and Cabling

Anticipated Cost: ██████████

4. Statutory Authority Permitting Other than Full and Open Competition:

- (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 VA Healthcare system of Western New York is unique to VISN 2 in that it consists of two medical campuses located approximately 35 miles apart. The Buffalo campus is located in Erie County, while the Batavia campus is located in Genesee County. Currently, emergency services for Genesee County operate on a 700/800 megahertz digital frequency while Erie County utilizes UHF and VHF frequencies. To ensure that VA emergency service personnel will be able to communicate across campuses and to ensure interoperable communications with local

emergency services personnel, portable radios are required that have tri-band capabilities. The Harris XG-100P is the only portable radio currently on the market that has the capability of operating on all three bands. Any other solution would result in either the two campuses being unable to effectively communicate with one another or a substantial duplication of costs as two radios would need to be procured.

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. There is only one source able to offer these items on schedule, however. On the open market, Harris uses several distributors. 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. 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.

Greg McQuaide
Emergency Preparedness Coordinator
VAWNYHS

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.

Marc Amorese
Contracting Officer
NCO 2

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

Irma Ferro
Supervisory Contract Specialist
NCO 2