

Attachment 2: Request for Sole Source Memo Format

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 11, 506 Ann Arbor Michigan. Justification for other than full and open competition due to sole source requirement. 2237 #506-14-4-522-1449.
- 2. Nature and/or Description of the Action Being Processed:** Special need to provide project management, technical support, labor, installation, materials and supervision to install a custom engineered Aquacube 440 Water Filtration System with a NLP-Processor at the VA Ann Arbor Healthcare System Energy Center. The water filtration system is in compliance with VA standards and policies to mitigate the high risk associated with the progression of bacteria in VAMC's water systems and associated applications as well as to establish water quality ratings to eliminate bio-film. The implementation of a best-of-bread water processor technology and quality measurement guidelines to ensure the growth and transmission of bacteria is eliminated. The water filtration system, components and all work will be in accordance to plans and specifications indicating exact locations and material requirements to complete installation. Next Level of Performance LLC, 821 Bighorn Street, Oviedo, FL 32765.
- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** This contract is for installation services to include project management, technical support, labor, materials and installation for work to be completed to install the Aquacube 440 Water Filtration System with a NLP Processor at a total cost of \$148,056.73. The contractor will perform and will be responsible for all necessary adjustments, installation and appropriate testing of the newly installed Water Filtration System which will include all coordination between the Engineering, Electrical/HVAC and Operations Sections of facilities Management for any electrical, plumbing/piping and structural connections with authorization and approval of the specified department supervisors. The installation will include a custom engineered Aquacube 4400, FW100EX w/ 120 Micron Screen Self Cleaning Filter, Grundfoss Pump 39PSI TP80-330/2 11Kw 3 Phase Pump, Skid Mounted & 20 Educator Nozzles; Includes cooling tower ring main. The vendor will include annual maintenance, check-up services and telephone support. The project management will include technical supervisors for design and on-site prep and installation services. The vendor will conduct all testing and documentation for the Ann Arbor VA Medical Center. The lead time for the project is projected at 8 weeks from award. POP: August 29, 2014.
- 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 service listed on this transaction is for work at the AA VA Healthcare System. The work involves building systems and materials that are both sensitive in nature and result in life safety issues for both employees and patients. The NLP-Processor is a proven technology that helps remove existing biofilm, deters future biofilm formation and mitigates microbial growth thus creating a continuous sanitizing system. This processor is only supplied with this contractor and will tie into the Medical Centers existing systems to maintain the integrity and safety of the systems and ensures all work is compatible with existing systems. There are several components to the unit that are specific to this contractor. The completion for this project is 8 weeks from acceptance of contract.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Due to compatibility and life safety issues, to maintain the integrity of the system and that components needed for this purchase and installation are solely supplied by the contractor other sources were not thought to be practical in this transaction.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price of the service is considered both fair and reasonable and meets the needs of the government based on system components that are only provided and unique with this contractor. The price is considered fair and reasonable as the original total quote price was \$236,531.88 and they have given us a discount for a total price of \$148,056.73.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Due to the nature of this procurement, sensitivity and safety of the building system market research was not conducted. ASHRAE established a practice to identify the conditions in a building water system to reduce the exposure to legionella, this publication/standard does not include the elimination of biofilm which is required for the progression of bacteria, this unique unit will allow for the elimination of biofilm.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** None

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None

**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:** If requisition of this nature should occur, the market would be surveyed to determine if there are any vendors capable of meeting our needs.

- 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.

  
Jay H. Miller  
Facilities Management Officer (138)  
Ann Arbor VA Healthcare System

Date 7/29/14

**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.

\_\_\_\_\_  
Name  
Title  
Network 11 Contracting Office

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Name  
Director of Contracting/Supervisory Contract Specialist (as appropriate)  
Network 11 Contracting Office

\_\_\_\_\_  
Date

- c. **SAO/IF over \$650K):** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Ricky L. Lemmon  
SAO Director  
Central Region

\_\_\_\_\_  
Date

- d. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$12.5 million) or approve (\$650K to \$12.5 million) for other than full and open competition.

\_\_\_\_\_  
NORBERT S. DOYLE  
Chief of Procurement and Logistics Officer  
VHA, Head of Contracting Activity (HCA)

\_\_\_\_\_  
Date

- e. **VA Deputy Senior Procurement Executive Approval (over \$12.5 million but not exceeding \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

<u>C. FORD HEARD</u>	<u>Date</u>
Deputy Senior Procurement Executive (DSPE)	
Assistant Secretary for Acquisition and Logistics	
Department of Veterans Affairs	

- f. **VHA Senior Procurement Executive Approval (over \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

<u>JAN R. FRYE</u>	<u>Date</u>
Deputy Assistant Secretary for Acquisition and Logistics	
Senior Procurement Executive (SPE)	
Department of Veterans Affairs	