

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:**

Department of Veterans Affairs, SAO West, VISN 18, El Paso Network Contracting Office (258) 11495 Turner Road El Paso, TX 79936-1372 proposes to enter into a firm-fixed price contract on the basis of justification for other than full and open competition for the Department of Veterans Affairs, El Paso VA Healthcare System, 5001 North Piedras, El Paso, TX 79930, under acquisition plan VA258-14-AP-3301 and purchase request number 756-14-3-5009-0010.

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

This is a request for other than full and open competition for emergency quick reference guide books for the Emergency Management Service (EMS). The contract action will be firm-fixed price contract for \$9,624.00. Delivery and installation will be 30 days after receipt of order (ARO). The proposed contractor is Guest Communications Corporation, 15009 West 101st Terrance Shawnee Mission, KS 66215.

- Emergency Quick Reference Guide Books – 150 (EA) \$53.21
- Guide Book Wall Mounts – 150 (EA) \$10.95

Total - \$9,624.00

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

The El Paso VA Healthcare System, Emergency Management Service will use the emergency quick reference guide books to satisfy CEMP capability and TJC requirements for emergency management. The emergency quick reference guide books will ensure staff at each location within the El Paso VA Healthcare System is able to quickly identify the appropriate response in an emergency. The emergency quick reference guide books are assembled in a patented trifold vinyl padded cover with printed quick response cards, 20 pockets and general alert information about the facility layout.

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

41 USC §253(g), as implemented by FAR 6.302;

(X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

This product design is a registered trademark of Guest Communication Corporation. This design was issued registration number 2131891 by the U.S. Patent and Trademark office in January 1998 and renewed in January 2008. This contractor is the only one qualified to produce the customized cards, inserts and other pieces to fit into the trifold quick reference guide. The final product is customized and assembled to meet the facility standards as related to their Emergency Response Plan.

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

Market research was conducted, details of which are in the market research section of this document; other than full and open competition is anticipated for this requested emergency quick reference guide books. If this action is approved, this justification for Other Than Full and Open

Competition will be posted on the Government Point of Entry (GPE), Federal Business Opportunities (FBO) with the Notice of Award after the award of the proposed contract.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Pricing technique as described in FAR 13.106-3(a)(2)(ii), was used to determine the price to be fair and reasonable. The price to the Government at \$9,624.00 is considered fair and reasonable based on historical price analysis. A search was conducted in the Federal Procurement Data System (<http://www.fpds.gov>) database to see if other VA Contracting Officers had procured the same guide books. An advance search for "Guest Communication Corporation" (DUNS 195962022) found the following purchase orders for the Department of Veterans Affairs from October 1, 2012 through September 3, 2014:
- VA258-13-P-1455 - \$16,617.00 – July 10, 2013
 - VA244-13-P-3933 - \$16,469.98 – August 9, 2013
 - VA245-13-P-1602 - \$12,929.39 – September 24, 2013
 - VA243-14-P-2018 - \$10,749.94 – February 28, 2014

Therefore, price is determined to be fair and reasonable.

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

The emergency quick reference guide books are customarily used by the general public or by non-governmental entities for purposes other than governmental purposes. The sources of such supplies provide similar supplies contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government. Based on market research, this requirement meets the definition of a commercial service in accordance with FAR 2.101. This is a commercially available service under NAICS code 511199 – All Other Publishers.

The emergency quick reference guide books are not available through a required source of supplies and services under FAR 8.002.

A search was conducted in the Federal Procurement Data System (<http://www.fpds.gov>) database to see if other VA Contracting Officers had procured the same guide books. An advance search for "Guest Communication Corporation" (DUNS 195962022) found 49 awards from the Department of Veterans Affairs starting in September 22, 2009 till present.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

Guest Communication Corporation has been providing the required emergency quick reference guide books to other VA medical centers and other federal agencies with no problems in performance. Due to the contractor's trademark and patent rights to provide the emergency quick reference guide books, no other vendor can provide these emergency quick reference guide books and the Government is currently unable to seek efficient competition.

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:**

Guest Communication Corporation holds the trademark and patent. Orders can be awarded competitively if the patent is lifted and other products can meet the same requirements.

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.


Jesus Diaz
Chief, Emergency Management Service
El Paso VA Healthcare System

9/3/14
Date

13. **Approvals in accordance with FAR 6.304**

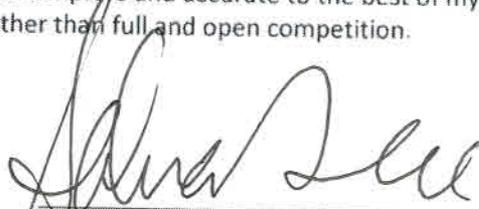
a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

carlos.jaquez@v
a.gov
Carlos Jaquez
Contracting Officer
SAO West NCO 18

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Date: 2014.09.03 14:43:41 -06'00'

9/3/2014
Date

b. **NCM/PCM (Required \$3K and above):** 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 for other than full and open competition.


Sabrina J. Smith
Director of Contracting
SAO West, NCO 18

9/18/2014
Date