

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

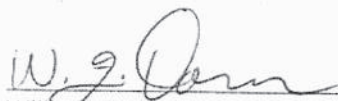
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 07, Charlie Norwood VA Medical Center, Station 509, Augusta, GA, Transaction 509-15-1-5102-0038.
2. **Nature and/or Description of the Action Being Processed:** Firm, fixed price contract for the continued Leasing of Copper Silver Ionization Systems and for the Treatment of Potable Hot Water Systems. The current vendor is Chem-Aqua, 2727 Chemsearch Blvd, Irving, TX 75062. The contract period of performance is October 1, 2014 through September 13, 2015. This is to continue the lease for equipment and services for the Copper Silver Ionization System.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This service is necessary to ensure the health and wellbeing of our Veterans and staff. The special priority status of this request is justified due to conditions which exist in the potable water system for Charlie Norwood VAMC, & Fisher House. Continued services are required to maintain copper/silver ionization protection to prevent the reoccurrence of biofilm in potable water systems in order to ensure patient, staff, and visitor safety.
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)**

Pursuant to FAR 6.302-2, when the agency's need for the supplies or services is such of an usual and compelling urgency that the Government would be seriously injured unless the agency is permitted to continue with the current contractor in place, a delay in the award of a contract will result in health and wellbeing issues with our Veterans and staff. Failure to maintain the required contract service will result in non-compliance with VHA Directive 106.1 and cause a break in system protection which prevents Biofilm in the potable water system. This critical protection must be maintained to eliminate all possibilities of reformation of biofilm which ensures patient, staff and visitor safety. This action is needed to provide interim contract services until the new long term contract is awarded for a permanent solution.

Chem-Aqua is uniquely qualified for the agency's need due to their equipment which is currently in place and will not interrupt services of the process. Additionally, the contractor's personnel have the required personal identity verification (PIV) clearances to continue work on October 1, 2014, thereby maintaining continuity of services.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: No further competition is being sought, due to the compelling urgency and nature of this request. This is an interim until the permanent solution is in place, which is scheduled approximately around September 2015. A Notice of Intent to Sole Source was posted on FedBizOpps. No interested vendors responded.
7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: Chem-Aqua is giving the government a 40% discount for the continued lease of the Chem-Aqua/Enrich Copper-Silver Ionization System. For another vendor to be considered, it would require additional installation fees for their equipment. Chem-Aqua's equipment has already been installed under purchase order 509-C45191.
8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: No further competition is being sought, due to the usual and compelling urgency and nature of this request. This is an interim until the permanent solution is in place, which is scheduled approximately around June 2015. A Notice of Intent to Sole Source was posted on FedBizOpps. No interested vendors responded.
9. Any Other Facts Supporting the Use of Other than Full and Open Competition: This requirement for Copper Silver Ionization System and Service is continuous and ongoing and requires the continuity of services for safety and health of Veterans Affairs employees and its patients until a permanent solution is in place. Special Priority approval was authorized by the Maintenance and Operations General Foreman in compliance with VHA Directive 106.1.
10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: No other vendors expressed an interest in this acquisition.
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: This is an interim measure until a new contract can be awarded for a permanent solution. No further requirements are foreseen for this service.
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.

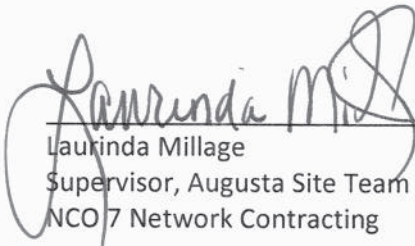

Willie F. Downs
Supervisory M&O General Foreman

9/29/14
Date

Charlie Norwood Veterans Affairs Medical Center

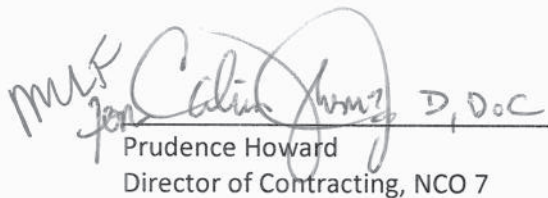
13. Approvals in accordance with FAR 6.304

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


Laurinda Millage
Supervisor, Augusta Site Team
NCO 7 Network Contracting

9/29/2014
Date

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


Prudence Howard
Director of Contracting, NCO 7

9/29/14
Date