

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 #506-15-1-525-0089.
2. **Nature and/or Description of the Action Being Processed:** Establish a contract with The Next level Of Performance, 821 Bighorn Street Oviedo, FL 32762 to provide project management, technical support, labor, installation, materials and supervision to install a custom engineered Aqualine NLP-Processor-A 1600 at the VA Ann Arbor Healthcare System Building 35 and 15 pump houses.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This contract is for installation services to include labor, materials, installation and supervision for work to be completed to install the custom engineered Aqualine NLP-Processor-A 1600 water filtration system. 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-breed 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. The custom engineered Aqualine 1600 will include Eight (8) conditioners and six (6) stainless steel disc processors, 8" 150lb. ANSI flanges. Includes Annual Maintenance Check-up and Telephone Support (8 AM EST – 6 PM EST) effective 12 months from installation. The contractor will provide Project Management, testing, use case and documentation for the Ann Arbor VA Medical Center. The contractor will perform work with the Engineering, Electrical/HVAC and Operations sections of Facilities Management to coordinate any electrical, plumbing/piping and structural connections with authorization and approval of the specified department supervisors. The contractor will perform and will be responsible for all necessary adjustments, installation and appropriate testing of the newly installed water filtration system. The performance period of this contract will be monitored for one year from installation date for maintenance check-up and phone services that are to be provided. The cost of this system will be \$57,249.00. This system will be combined with the Energy Center System that was awarded FY14 2237#56-14-4-522-1449.
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 AAVA 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 install 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 proprietary and only provided and unique with this contractor. This contractors price was also considered both fair and reasonable based of previous transactions PO 506-C40248 (NLP Processor Aqualine 20 at \$42,500 for this transaction) and PO 506-C40295 (NLP Processor-A priced at \$51,000 for this transaction).

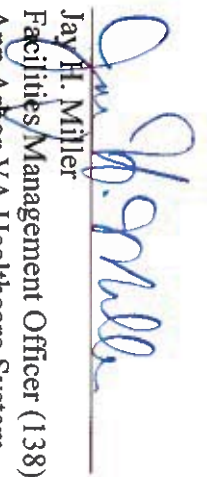
8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Due to the nature of this procurement, sensitivity and safety of the building system market research was not conducted. ASHRAE established a practice to identify the conditions 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 11/19/14

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 _____	Date _____
Title _____	
Network 11 Contracting Office	

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

Name _____	Date _____
Director of Contracting/Supervisory Contract Specialist (as appropriate)	
Network 11 Contracting Office	

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

Ricky L. Lemmon _____	Date _____
SAO Director	
Central Region	

- 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 _____	Date _____
Chief of Procurement and Logistics Officer	
VHA, Head of Contracting Activity (HCA)	

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	