

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 11, 583 Richard L. Roudebush, VA Medical Center, Justification for Other than Full and Open Competition. 2237 #583-15-1-650-0072; Project 583-13-121 Replace Fire Pump.
2. **Nature and/or Description of the Action Being Processed:** The proposed action is the provision for a sole-source fire-stopping brand name, Hilti, for wall penetrations in main Building 1 as a component of the contract for the "583-13-121 Replace Fire Pump" project at the Roudebush VA Medical Center in Indianapolis, IN. The contract will be for a new firm, fixed price contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Roudebush VAMC's firewall system consists of Hilti products for their proven exceptional safety performance. Mixing of different products would breach the integrity of the system. Estimated value for this work is \$5,000.
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 (41 U.S.C. 3304(a)(1))
☐ (2) Unusual and Compelling Urgency per FAR 6.302-2 (41 U.S.C. 3304(a)(2))
☐ (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3 (41 U.S.C. 3304(a)(3))
☐ (4) International Agreement per FAR 6.302-4 (41 U.S.C. 3304(a)(4))
☐ (5) Authorized or Required by Statute FAR 6.302-5 (41 U.S.C. 3304(a)(5))
☐ (6) National Security per FAR 6.302-6 (41 U.S.C. 3304(a)(6))
☐ (7) Public Interest per FAR 6.302-7 (41 U.S.C. 3304(a)(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 fire wall system for medical centers is a highly specialized and complex safety system designed to accomplish one thing: contain a fire in one section of the building so the rest of the facility can remain in use and complete evacuation will not be necessary. The criticality of the fire-wall system is a life safety issue. We rely on those walls to act as barriers to protect our patients in the event of a fire. Patients can be moved to other areas of the hospital and remain under exceptional care in the event of an emergency. There are strict qualifications for fire-stopping material and its components. The fire-stopping material must meet specific requirements for sealing penetrations in fire and smoke walls, and combination walls. In some cases, the penetrations are difficult to address because of stranded wires, different plumbing systems and more, which would require a fire rated sleeve, and fire stopping bricks (actual sealant caulking). Mixing of the types of components could counteract each other and breach the integrity of the system, as well as allow Joint Commission to disaccredit the Indy VAMC.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**
Being in the construction industry, we are aware of other systems available, but none are compatible with the existing system at the Richard L Roudebush VAMC. We are not recommending that other systems be considered.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price for this product will be unknown since it will be included as a part of the successful bidder's bid under sealed bidding procedures. However, the Contracting Officer will ensure, based on a determination that adequate price competition for the IFB exists and through the use of price analysis techniques, such as comparison against needed to be used, that the price will 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:** Market Research for this project was not performed for the prime reasoning that Joint Commission does not condone mixing of fire-stopping systems. The Hilti system has been chosen in the past for their fire-stopping and safety performance and the VA would put its patients and employees at risk in the case of a fire if multiple systems were in place.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**
Hilti provides annual training for our staff to instruct them on the proper techniques to apply the fire-stopping material. Not only is the material itself critical, but is not useful if the system is installed improperly. The system will not function the way it was designed to.
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:**
None
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.

 12/17/14

Name: Scott L. Moritz, P.E.

Date

Title: Chief, Engineering Services

Facility: 583 Indianapolis RLR VAMC

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: Scott D. Brennan
Title: Contracting Officer
Network 11 Contract Office

Date

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

Name: Donald R. King
Director of Contracting
Network 11 Contract 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

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.

C. FORD HEARD
Deputy Senior Procurement Executive (DSPE)
Office of Acquisition and Logistics
Department of Veterans Affairs

Date

- 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.

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

Date