

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

1. **Contracting Activity:** Department of Veterans Affairs, Network 11 Contracting Office, 8888 Keystone Crossing, Indianapolis, Indiana in conjunction with the VISN 11 Engineering Officer, Richard L. Roudebush, VA Medical Center, Indianapolis, Indiana. Project Number 583-330.
2. **Nature and/or Description of the Action Being Processed:** Brand name only request for exterior floor expansion joint cover assembly as manufactured by Construction Specialties. Action is contained within the specifications and/or drawings of a project that will be awarded as a new contract or task order action of the firm-fixed price variety.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** ZB-400 garage floor expansion joint cover assembly, total estimated value is \$76,572.09 delivery commensurate with the construction project performance period which is 300 calendar days.
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 existing exterior floor expansion joint cover assembly is this exact product. Using a different manufacturer could result in variations of color and installation that could be detrimental to the exterior composition of the building. Using a different manufacturer's system could create integration issues leading to lack of system adhesion, system breakdown, and joint separation. The new cover assemblies will need to be integrated into existing assemblies at locations where the existing systems have been damaged. Using a different manufacturer could create installation issues at these connections. If the new system causes a failure in the existing system the original manufacturer may not maintain their system warranty, leading to additional cost for replacement.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research into multiple expansion joint manufacturers who provide similar, but not identical, assemblies was performed during the project. It was determined through this research that other manufacturers may not be compatible with the existing system. Given this information as well as extensive previous experience it has been established that no other floor expansion joint manufacturer should be used as previously stated.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price for this work 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 completion for the IFB exists and through the use of price analysis techniques, such as comparison against the Independent Government Estimate and other price analysis techniques that may need 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 was performed into EMSEAL, BASF, and Balco expansion systems as well as the Construction Specialties system previously referenced in this document. While these systems are similar, they are not identical to the existing expansion system in place in the garage at this time. The Construction Specialties system is identical.
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:** 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:** No future action is anticipated that could remove barriers to competition between these systems. Utilizing any particular material in a facility elicits a certain degree of repetition needed in future phases in order to match aesthetics. Exterior floor expansion joint cover assembly designs are proprietary by nature and often conflict directly with competing systems.
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.



William R. Jerome
Acting Chief Engineer
VAMC Indy

12/19/2014

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.

Aaron S.

Lacy 319250

Digitally signed by Aaron S. Lacy 319250
DN: cn=gov, dc=va, o=Internal,
ou=people,
0.9.2342.19200300.1.01.1=aaron.lacy@va.gov, cn=Aaron S. Lacy 319250
Date: 2015.01.06 13:36:10 -0500

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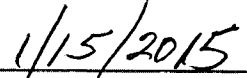
Aaron Lacy
Contract Officer
NCO11, Indianapolis

Date

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



Al Leonard
Supervisory Contract Specialist
NCO11



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

Date

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