

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 Otis elevators. 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:** Otis elevator and elevator equipment, total estimated value is \$253,381.55, 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 elevator in the parking garage is an Otis Gen 2 elevator. The new elevator controls will be tied into the existing Otis controls for efficient, effective use of the existing equipment. This tie-in is only possible if the two elevators are from the same manufacturer, Otis. The two cars will not be controllable as a pair unless they are provided by the same manufacturer. Given that Otis services the existing elevator using a new Otis elevator will tie the service contracts for the two elevators together so that one representative can provide maintenance services for the pair of elevators in the garage. This will allow the VA to better establish service scheduling and maintenance. Another factor in the selection of an Otis elevator is that the building height and shaft size for the new elevator is restricted by code and existing conditions. Otis manufacturers a standard elevator that will fit within the existing shaft that meets height limitations, but the use of other elevator manufacturers would require a custom elevator of this size. A custom elevator will be cost prohibitive for this project. Due to the proprietary nature of the entirety of the elevator system using Otis Elevators in this construction project is essential to the Government's requirements, thereby precluding the consideration of a product manufactured by another company. In order for the existing elevator to be extended the same manufacturer's equipment must be used in order to maintain warranties. Warranties will be voided if multiple manufacturers' equipment are used in extending the elevators. Service will also be a significant problem for the extended elevator as well if multiple manufacturers are used.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Research was performed into multiple elevator manufacturers. Manufacturer cut sheets were reviewed and internet research was consolidated. It was determined through this research that other manufacturers would not be compatible with the existing system. No other elevator brand fulfills the needs for the facility as Otis does. Given this information as well as extensive previous experience it has been established that no other elevator 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 competition 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 multiple elevator manufacturers who provide similar elevator systems including Thyssen Krupp and Schindler.
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:**
Elevator systems are proprietary in nature and are thus incompatible with competing systems. No future action is anticipated that could remove barriers to competition between these 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: dc=gov, dc=va, o=Internal,
ou=people,
0.9.2342.19200300.100.1.1=Aaron.Lacy
@va.gov, cn=Aaron S. Lacy 319250
Date: 2015.01.06 13:42:01 -05'00'

1-06-2015

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

1/15/2015

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