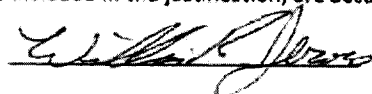


DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

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 Hilti USA firestop systems. 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:** Hilti firestop systems, total estimated value is \$20,062.50, 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 firestop systems currently utilized at the RL Roudebush Medical Center are Hilti systems. Per the requirements of the Joint Commission these systems are all required to be the same, including color. All products differing from this will be flagged and replaced at a later time by the Joint Commission. Thus, using a product that matches the Joint Commission requirements, matching both the material and the color of the existing systems will eliminate the cost of removing and replacing these systems at a later time. It is imperative the firestop systems match where they integrate with one another. Otherwise the manufacturers' warranties will likely be voided with neither manufacturer warranting their product. This could lead to future issues if the systems fail or major damage in the case of catastrophic failure.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Research was performed during design into other manufacturers that provide products similar to the Hilti systems, but these systems are not identical and may not integrate with existing Hilti systems.
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:** Research was performed into multiple firestop system manufacturers who provide similar systems. It was determined through this research that other manufacturers may provide similar systems, but the systems would not be identical as required by the Joint Commission. 3M and Tremco are manufacturers who were reviewed as part of the market research.
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:**
Firestopping 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: cn=gov, o=us, ou=people,
ou=USAMRIID, email=aaron.lacy@va.gov,
c=us, ou=Aaron S. Lacy 319250
Date: 2015.01.06 13:39:16 -0500

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

Date

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