

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A) For Other Than Full and Open Competition

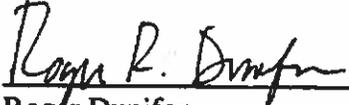
1. **Contracting Activity:** Department of Veterans Affairs, Department of Veterans Affairs, VISN 10, Chalmers P. Wylie VA Ambulatory Care Center, Network Contracting Office (NCO) 10 Justification for Other Than Full and Open Competition. The 2237 Number for "Install Active Harmonics on Substations (Project Number: 757-14-204)" is 757-15-1-743-0002.
2. **Nature and/or Description of the Action Being Processed:** The proposed procurement will be done via an Invitation for Bid (IFB). Based upon the recommendations of the A/E Contractor, Emersion Design, this construction project requires the installation of thirty (30) Eaton brand name devices, three (3) 300 amp Eaton Harmonic Correction Units (HCUs) 208 – 480 volts, three (3) 100 amp (A) Eaton HCUs 208 – 480 volts, three (3) floor stands for the 100 amp HCUs, six (6) sets of three transformers, three (3) start up services with 6 month follow up, three (3) 400 amp frame molded case circuit breakers with microprocessor based trip units, six (6) 225 amp frame molded case circuit breakers with microprocessor based trip units, three (3) set up and programming services for harmonic monitoring. This will be a firm fixed price contract. The determination for selecting the Eaton devices is to ensure seamless coordination with the existing electrical infrastructure of the VAACC, manufactured by Eaton/Cutler-Hammer. The project is estimated at [REDACTED]. The estimated cost of the J&A is [REDACTED]. This is a new firm, fixed price contract. The devices will be purchased directly from Eaton by the lowest bidding responsible Service Disabled Veteran Owned (SDVOSB) contractor or it's VA approved sub-contractor.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Three (3) 300 amp Eaton Harmonic Correction Units (HCUs) 208 – 480 volts, three (3) 100 amp Eaton HCUs 208 – 480 volts, three (3) floor stands for the 100 amp HCUs, six (6) sets of three transformers, three (3) start up services (1 per pair of HCUs) with 6 month follow up, three (3) 400 amp frame molded case circuit breakers with microprocessor based trip units, six (6) 225 amp frame molded case circuit breakers with microprocessor based trip units, and three (3) set up and programming services for harmonic monitoring. These units and their accessories will allow for the injection of equal and opposite electrical currents into to the VAACC's electrical system with the goal of reducing or eliminating fluctuations in the electrical power supply. The period of performance for this project is 180 days. The estimated delivery date is September 30, 2015. The project is estimated at [REDACTED]. The estimated cost of the J&A is [REDACTED].
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):** Based upon Emersion Design's study, Eaton brand name HCU's and power meter are the only products that can be built upon the existing Eaton/Cutler – Hammer electrical infrastructure within the VAACC. This major commercial grade infrastructure supports every electrical device within the VAACC. Any other brand name electrical HCU and meter is unable to integrate with what is currently in place. Using another brand family of HCU's and meters could create incorrect and or false readings and unreliable electrical harmonic control. The end result would be continued power failures each at a significant financial expense and potentially serious financial harm to the government through lawsuits for failed medical procedures. In addition, continued power failures create a significant inconvenience to our veteran patients, who would not receive prompt the medical care that they have earned. This can also lead to a significant patient backlog and both operational and economic impact to the Columbus VAACC. These factors make the Eaton brand HCU's and meter essential to the government's requirements thereby precluding consideration of a product manufactured by another company. Accordingly, Eaton is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirement
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Emersion Design's study commissioned by the Columbus VAACC specifically mentions the specific Eaton brand electrical HCU's and meter should be used to remediate the harmonics issue. Efforts were not made to solicit from other electrical equipment manufacturers, because it is Emersion's expert opinion that utilizing another manufacturer's electrical equipment would decrease the consistency and reliability of the facility's electrical power supply. In accordance with the Competition in Contracting Act of 1984, lawsuits from failed medical procedures caused by power disruptions have the potential to cause serious financial injury to the Government. Emersion Design's study also calls for an Eaton certified contractor (not Eaton) to install the power meter and supervise the installation of the HCU's. Emersion was determined to be a responsible design firm during the Indefinite Delivery Indefinite Quantity (IDIQ) process.

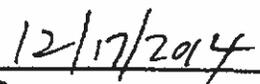
A pre-solicitation notice (VA250-15-B-0005) was created on November 5, 2014 to inform the marketplace, and encourage Service Disabled Veteran Owned Small Businesses (SDVOSB) electrical contractors to bid. The customer would like to foster competition and have several bids available for evaluation. A recent check of the listed interested parties to the pre-solicitation notice (for the installation portion of the project) were received from the following (2) SDVOSBs: Armcorp and Opcon. There is another current SDVOSB contractor performing on another harmonics project at the VAACC: HAL-PE Associates. The pre-solicitation notice was for the entire project.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** To counteract the lack of competition in the acquisition of the equipment needed to complete the project, the entire project will be solicited as an IFB. A search of the VET Biz website provided seven hundred nine (698) SDVOSBs and one thousand seven hundred two (1,702) VOSBs across the nation with NACIS code 238210 (Electrical Contracting). Based upon the two (2) responses to the pre-solicitation notice, from SDVOSBs, and having another SDVOSB on site performing a harmonics project, the contracting officer believes that the anticipated cost to the government for this project 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:** The Install Active Harmonics project is projected to be a SDVOSB set aside. The market research for this J&A is for the equipment only. Emersion Design's research and findings indicated that because of the Columbus VAACC's original electrical equipment was manufactured by Eaton/Cutler-Hammer, in accordance with FAR 6.302-1, it is in the best interest of the Government to purchase the same brand of harmonics correction and monitoring equipment. As described in Section VI above, market research, in accordance with FAR Part 10, was conducted by a pre-solicitation notice of the proposed acquisition and the use of the "interested parties" tab on the www.fbo.gov website.
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:** As described in Section VI above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition and soliciting inquiries from interested parties. Responses to the sources sought notice (for the installation portion of the project) within the deadline were received from the following SDVOSBs: Opcon Inc. and Armcorp Construction Inc. Representatives from TiRC Energy Engineering, International (a Vetbiz verified SDVOSB concern) have expressed interest to the Contract Specialist about this project. The pre-solicitation notice was for the entire project.
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:** Because NCO 10 was aware of the name brand recommendation by Emersion Design for the electrical equipment, the decision was made to compete the installation portion of the project among SDVOSBs to achieve socioeconomic goals and foster competition in the marketplace.
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.



Roger Dunifon
Supervisory General Engineer
Chalmers P. Wylie VAACC



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.

ROBERT H.
IVEY 225363

Digitally signed by ROBERT H. IVEY 225363
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0.9.2342.19200300.100.1.1=robert.ivey@va.
gov, cn=ROBERT H. IVEY 225363
Date: 2015.01.07 15:37:58 -0500

January 7, 2015

Bob Ivey
Contracting Officer
Network Contracting Officer (NCO) 10

Date

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

JOSEPH L.
BOGGS 315360

Digitally signed by JOSEPH L. BOGGS 315360
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va.gov, cn=JOSEPH L. BOGGS 315360
Date: 2015.01.08 12:39:58 -0500

Joseph Boggs
Construction A/E Team Manager
Network Contracting Office (NCO) 10

Date