

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval
For
Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, Veterans Health Administration (VHA), Service Area Office (SAO) East, VISN 2, Samuel S. Stratton VA Medical Center, Albany, NY.

This proposed procurement will be competed and include a brand name product. This document shall be used as a "Justification for Other Than Full and Open Competition." The applicable Acquisition Plan is VA528-15-AP-0209.

2. **Nature and/or Description of the Action Being Processed:** This brand name procurement is part of a larger construction project for Emergency Electrical Upgrades, Phases 3 that will be awarded as a firm-fixed price contract. The brand name specification is for an automated transfer switch (ATS) that will work in conjunction with existing ATSs, paralleling switchboard, and load shedding controllers.

In competing this requirement, the VA has determined that the following equipment, devices and related components must be the following brand name:

ASCO 7000 Series, Automatic Transfer Switch.

The total estimate value of the above brand name item is \$25,076.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The ASCO 7000 Series, Automatic Transfer Switch will be installed in the existing electrical systems which requires the ATS to communicate and work in a coordinated manner with the paralleling switchboard, load shedding protocol, emergency generator operation, and other 32 ASCO ATSs in the electrical system. In order to maintain that compatibility through system hardware and/or software updates and upgrades over time, the systems' components must all be of the same manufacturer/brand where the entire system is able to update at the same time to maintain system integrity.

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):** Under FAR 6.32-1(b)(1), "when there is a reasonable basis to conclude that the agency's minimum needs can only be satisfied by-(i) Unique supplies or services available from only one source or on only one supplier with unique capabilities," then the government can procure that specific, unique item or its equal.

In this case, the systems are to interconnect and be compatible with much larger major systems. ASCO 7000 Series, Automatic Transfer Switch is advantageous to the medical center for several reasons including compatibility and interaction between the existing systems and the new systems. Allowing a system other than the aforementioned brand name would potentially jeopardize the safe operation of the hospital's electrical distribution system, especially during emergency situations and power outages that require the operation of the emergency standby generators. Therefore, it is in the best interest of the Government and my recommendation that the Albany VAMC specify the brand names of ASCO 7000 Series, Automatic Transfer Switch as part of this overall procurement.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** There are other brands but their systems are incompatible with the current system installed throughout the facility. Any of the prime contractors being solicited are able to purchase the requested brand name items as commercially available off the shelf items (COTS).
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The cost to the Government will be fair and reasonable as equipment needed is part of a larger procurement that will be competed.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** There are other manufactures of Automatic Transfer Switches with many of the salient characteristics described above, but are not completely compatible with the current systems.
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:** None
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:**
Currently, no actions are planned to remove the barrier to competition in restricting the medical center's systems to the above named equipment. If an alternative becomes available that meets compatibility with the systems installed in this Medical Center, this barrier to competition will be removed.
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.

Oscar Prue
Supervisory General Engineer
Samuel S. Stratton VAMC, VISN 2

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.

Jason V. White
Contracting Officer
VISN 2 NCO

Date

- b. **Division Chief**: I certify the justification meets requirements for other than full and open competition.

Julie McCann
Division Chief
VISN 2 NCO

Date