

LIMITED SOURCES JUSTIFICATION

ORDER >\$150,000

FAR PART 8.405-6

2237 Transaction # or Vista Equipment Transaction #: 517-16-1-6977-0001

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source:

Manufacturer/Contractor: Modular Genius, Inc.

Manufacturer/Contractor POC & phone number: Brad Gudeman; 1-410-676-3424

Mfgr/Contractor Address: 1201 South Mountain Road, Joppa, MD 21085

Dealer/Rep address/phone number: N/A

☒ The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

Network Contracting Office 6

VA Mid-Atlantic Health Care Network (VISN6)

300 W. Morgan Street, Ste. 700

Durham, NC 27701

VISN: 6

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

Sole Source Procurement of a temporary modular building to meet the veteran's medical needs in
Lewisburg, WV during the re-procurement of a new CBOC.

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

The contractor shall provide all materials, tools, labor, and equipment necessary to provide a building for use as a CBOC in the area of Lewisburg, WV. Work shall consist of site prep for the building (including utilities), and delivery and set up of the building.

(b) ESTIMATED DOLLAR VALUE: \$277,000.00

(c) REQUIRED DELIVERY DATE: 45 Calendar Days after contract award.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Limited Sources Justification Format >\$150K

(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE. (CHECK ALL THAT APPLY AND COMPLETE)

☐ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

☐ A patent, copyright or proprietary data limits competition. The proprietary data is:
(If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

☐ These are "direct replacements" parts/components for existing equipment.

☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

☐ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Limited Sources Justification Format >\$150K

☒ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

In order to demonstrate VA's commitment to fulfill the announcement made at the Maxwellton National Guard Armory by the Secretary of Veterans Affairs with the Beckley VA Medical Center Director, as well as the verbalized expectation by the Undersecretary of Health Dr. Shulkin to immediately re-establish a physical presence in Greenbrier County, it is essential that we move forward quickly to provide an intermediate solution before the end of this calendar year. The previous site of care was closed due to concerns of air quality. This has led the VA to procure a temporary clinic facility in the Greenbrier area until the permanent leased space is acquired.

With the winter season quickly approaching and in consideration of our geographic location, previous patterns indicate that we can begin to experience winter conditions as early as mid-October. This creates urgency for exterior utility work to be performed prior to the freezing conditions. Additionally, winter conditions can prolong exterior building work, create transportation delays, or prevent the physical placement of the structure and/or installation delays. Finally, there is a safety concern that is paramount in supporting the sense of urgency as this intermediate solution would prevent our Veterans and employees from having to drive an average of fifty eight miles or more, one way, over mountainous terrain between Lewisburg area and the Beckley VA Medical Center which is currently the closest location for veterans in the Lewisburg area to receive medical care. It has been reported that a Veteran lost his life last year returning from an appointment at the Beckley VA Medical Center due to hazardous road conditions.

In an effort to procure quickly, the VA's requirements included expedited delivery and preference of procuring a pre-owned structure, due to the temporary requirement. The VA conducted market research and located a vendor that met these urgent requirements. Other vendors contacted did not offer immediate availability of a structure at this size and with the capability to deliver quickly.

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

Prices for the service have been competed on the GSA schedule and determined fair and reasonable making this a best value to the government. In addition, due to the urgent need to meet veteran's needs in the Lewisburg area, the lack of competition was necessary and reasonable

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

Limited Market Research was conducted and several of the GSA vendors listed on FSS Schedule 56 were contacted. Of the Vendors contacted, Modular Genius, Inc was the only qualified vendor that could meet the strict timeline requirements of delivery and set up within 45 calendar days.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

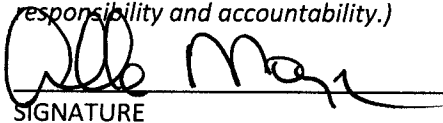
Not Applicable to this procurement

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Limited Sources Justification Format >\$150K

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

Not Applicable to this procurement.

(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*


SIGNATURE

09/28/2015

DATE

Allen R. Moyer

Associate Director

Beckley VA Medical Center

(10) APPROVALS IN ACCORDANCE WITH THE VHAPM, Volume 6, Chapter VI: OFOC SOP: *This part if filled out by Contracting Staff as part of the Justification*

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


CONTRACTING OFFICER'S SIGNATURE

09/28/2015

DATE

Millard Adkins, Contracting Officer

Beckley VA Medical Center

b. Director of Contracting/DESIGNEE: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

David C. Bullerwell

143957

SIGNATURE

Digitally signed by David C. Bullerwell 143957
DN: dc=gov, dc=va, ou=internal, ou=people,
0.9.2342.19200300.100.1.1=David.C.Bullerwell@va.gov,
cn=David C. Bullerwell 143957
Date: 2015.09.28 14:44:09 -0400

09/28/2015

DATE

David Bullerwell

NCO 6, Facilities Team I, Branch Chief