

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

The Department of Veteran Affairs, NCO 4, Wilkes Barre Contracting. The Contracting Officer for this requirement is located at the Wilkes Barre VAMC, Wilkes Barre Pennsylvania. This is a Justification and Approval for Other Than Full and Open Competition Brand Name Only for Fire Safety — Edwards EST fire alarms which is a small portion of the construction materials requested on Purchase Request 595-15-35482-0040; NRM Project — Construct Utility Plant 595-13-101.

2. Nature and/or Description of the Action Being Processed:

Request for other than full and open competition — use of brand name specification for the Construct Utility Plant construction project at the Lebanon VAMC, Pennsylvania. Contractor shall furnish management, supervision, labor, transportation, equipment, and materials, and perform work to include general construction, alterations, mechanical and electrical work, and certain other items as required by project drawings and specifications for Project No. 595-13-101 Construct Utility Plant. This acquisition is fixed-firm price.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

Fire Safety — Edwards EST — see Specification Section 28 31 00: The furnishing, installation, and connection of an EST-3, Edwards, Signature E Series Fire Alarm System, including alarm initiating devices, alarm notification appliances, control units, fire safety control devices, annunciators, power supplies, and wiring.

4. Statutory Authority Permitting Other than Full and Open Competition:

41 USC §253(c)(1), as implemented by FAR 6.302-1.

- (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):

Fire Safety — Edwards EST — see Specification Section 28 31 00: Restriction of sources for this acquisition is justified in accordance with FAR 8.405-6(b)(3), the item is peculiar to one manufacturer. Although there are other manufacturers of fire alarm equipment that can meet the Government's minimum requirements, it is not in the Government's best interest to award an acquisition to any other brand. The Edwards EST fire alarm system is exclusively used at this facility and it is in the VA's best interest to maintain consistency of the life safety system. Use of other manufacturers would lead to storing additional inventory, functioning issues due to non-compatibility with existing equipment, multiplicity of service contracts, and increased training and operator requirements.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

A Notice of Intent to Sole Source Fire Safety — Edwards EST will be posted on FedBizOpps with the solicitation. Offerors will be able to obtain Fire Safety — Edwards EST from various distributors and sources available in the open market.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

Based on the information above, it is hereby determined that this written justification for a particular brand names, is essential to the Government's requirements, and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet the agency's needs. Therefore, these products will be specified as a brand name for this construction project as only these products meet the Government's needs. This procurement is an RFP, resulting in a firm-fixed price contract award. The contracting officer, IAW FAR 13.106-3(a)(1), anticipates the offered price to be fair and reasonable based on adequate price competition. Certified Cost or pricing data and audits are not required.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

The existing Fire Alarm System throughout the entire Lebanon VAMC facility is Fire Safety — Edwards EST. The Fire Alarm System requires the same manufacturer in all facilities throughout the campus. A small percentage of addressable fire alarm parts can be other manufactures but the system in its entirety, including the back bone equipment must be Edwards EST to be compatible with the campus connected fire alarm system. Market research was conducted, and no entire system will be compatible with the Edwards/EST fire alarm system. Only a small percentage of non-Edwards/EST smoke and heat detectors would work in the system as components. The remainder of the system components must be Edward/EST, and the system must be installed and programed by a certified Edward/EST company.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: All the specifications and drawings and engineering descriptions associated with Project #595-13-101 have been developed identifying the Fire Safety — Edwards EST as the standard system throughout the Lebanon VAMC.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: See Section 6 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: In the future if there is a requirement to re-alarm the entire facility with fire alarm system, that requirement would be competed.