

JUSTIFICATION FOR SINGLE SOURCE AWARDS IAW FAR 13.106-1
(OVER MICRO-PURCHASE THRESHOLD(\$3K) BUT NOT EXCEEDING THE SAT (\$150K))

IAW [FAR13.104](#), COs must promote competition to the maximum extent practicable to obtain supplies and services from the source whose offer is the most advantageous to the Government, considering the administrative cost of the purchase. When competition is not practicable, IAW [FAR13.106-1\(b\)](#), COs solicit from a single source for purchases not exceeding the simplified acquisition threshold. COs may solicit from one source if the CO determines that the circumstances of the contract action deem only one source reasonably available (e.g., urgency, exclusive licensing agreements, brand-name or industrial mobilization). IAW [FAR13.106-3\(b\)\(3\)](#), COs are required to include additional statements **explaining the absence of competition** (see [13.106-1](#) for brand name purchases) if only one source is solicited and the acquisition does not exceed the simplified acquisition threshold (does not apply to an acquisition of utility services available from only one source) or supporting the award decision if other than price-related factors were considered in selecting the supplier. This template when completed can be used to document single source awards IAW [FAR13.106-3\(b\)\(3\)](#). Note: Statements such as "only known source" or "only source which can meet the required delivery date" are inadequate to support a sole source purchase.

1. PURCHASE REQUEST OR REQUISITION NUMBER:

757-16-4-743-0005

**1A. PROJECT/TASK
NUMBER**

757-17-205

1B. ESTIMATED AMOUNT:

2. BRIEF DESCRIPTION OF SUPPLIES OR SERVICES REQUIRED AND THE INTENDED USE:

Phigenics equipment will be used for continuous monitoring of the domestic water system at the Columbus VA facility to meet VHA requirements. The monitoring equipment will be installed in Building 1A. The Phigenics PWA Advanced Monitoring System will be required for the Install Water Monitoring and Correct Deficiencies project, Project Number 757-17-205, at the Chalmers P. Wylie Veterans Affairs Ambulatory Care Center (VAACC) – Columbus, OH.

3. UNIQUE CHARACTERISTICS THAT LIMIT AVAILABILITY TO ONLY ONE SOURCE, WITH THE REASON NO OTHER SUPPLIES OR SERVICES CAN BE USED:

The facility must meet the requirements identified in VHA Directive 1061, Prevention of Healthcare-Associated Legionella Disease and Scald Injury From Potable Water Distribution Systems. The scope of work for the project includes installing a water monitoring system in order to comply with the engineering control strategies for prevention of Legionella growth listed in Appendix A of the directive. The design team has conducted market research and found that the Phigenics PWA Advanced Monitoring System is the only equipment that can meet all of the requirements of the directive within the constraints of the construction program requirements.

4. REASON THAT SUGGESTED SOURCE IS THE ONLY SOURCE, WHICH CAN PROVIDE THE SUPPLIES OR SERVICES:

For a complete water quality monitoring assembly as a single unit with a data logger, with the required sensors and analyzers, Phigenics is the only company that has the entire package that can be purchased. The only other applicable equipment found during market research to meet all requirements was only available for lease, which is not an appropriate use of construction funds.

5. DESCRIPTION OF MARKET RESEARCH CONDUCTED AND RESULTS OR STATEMENT WHY IT WAS NOT CONDUCTED:

The Architect/Engineering (A/E) firm contracted to complete the design of this project has contacted multiple manufacturer representatives to determine the qualifications of the equipment to meet VHA Directive 1061. From their responses, it was determined that each one was deficient in one or more categories for sensing or analyzing, and none had a data logger to collect, store, and transfer the data as required. Phigenics is the only one to satisfy all requirements.

Phigenics is the exclusive manufacturer and proprietor of the Phigenics PWA Advanced Monitoring System and all associated Phigenics brand name products. Phigenics owns the proprietary rights to manufacture the PWA Advanced Monitoring System and the system must be purchased through Phigenics.

A Sources Sought Notice was posted to Federal Business Opportunities (FBO) seeking availability of sources that can provide the Phigenics brand name water monitoring systems. The following companies provided responses to the Sources Sought Notice:

- Point Source Environmental LLC.
- Nalco

Both companies were contacted to get a determination if they can provide the Phigenics brand name PWA Advanced Monitoring System. Point Source Environmental LLC confirmed that they do not manufacture the Phigenics brand name item that was posted on the Sources Sought Notice.

Nalco provided information on their analyzer that had the same salient characteristics and features as the Phigenics PWA Advanced Monitoring System. Based on the information provided, Nalco does lease-only programs and contracts for this equipment and services, which is not allowed by the VA for construction projects.

For market research purposes, the following clarifications were sent to Nalco regarding their system:

1. The project will require that the water quality monitoring system must accept temperature readings from 56 remote temperature sensors scattered throughout the building, and then store that data in an off-site server for report generation purposes to document system performance. Can the NALCO system meet that requirement? If so, does that require additional panels and additional electrical circuits?
2. The project will require that the water quality system plus reagents for 1 month operation must be purchased and installed by the Contractor (not directly by the VA). Installation will include commissioning and startup by the manufacturer. This purchase cannot include lease of a data server nor can it include chemicals or service for the warranty period. These are specific VA purchasing rules. Can NALCO sell their equipment in this manner?

NALCO provided response to question one stating they should be able to accommodate most of this. They also provided information on wireless communication and sensors, which are not part of the requirements for the Install Water Monitoring System and Correct Deficiencies project. NALCO did not provide any response to question two.

6. Contracting Officer's Certification: *Purchase is approved in accordance with FAR13.106-1(b). I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.*

Signature: _____

Date: 1-26-2016

Name: Joseph Boggs

Title: Chief Construction & A/E Team #1

Facility: NCO 10