

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. Contracting Activity: Department of Veterans Affairs, VISN 15, Eastern Kansas Health Care System, COVAMC, Topeka KS and DDE VAMC, Leavenworth KS
2237 Transaction number 589-12-1-2029-0015 for Topeka
2237 Transaction number 589-12-1-3029-0016 for Leavenworth

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

We are requesting a new service contract be put in place via sole source procurement for labor, tools and test equipment to perform control and combustion tuning of the Hayes Cleveland Systems installed on four boilers at each site (Topeka and Leavenworth). The vendor is Hays Cleveland, a small business located at 1111 Brookpark Rd, Cleveland Ohio 414109.

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

The following services should be provided by Hays Cleveland:

Hays Cleveland shall furnish all labor, tools and test equipment to perform control and combustion tuning of the Hays Cleveland Systems installed on four (4) boilers located at both the Colmery-O'Neil VA Medical Center, 2200 Gage Boulevard, Topeka, Kansas, 66622, and the Dwight D. Eisenhower, VA Medical Center, 4101 South 4th Street, Trafficway, Leavenworth, Kansas 66048. Each boiler must be tuned one time annually; two boilers shall be tuned in the month of October and two in the month of April, or at a time requested by the Department. Additionally, during each service trip the SCADA system shall be checked for proper performance. Technicians shall be factory certified by Hays Cleveland to work on the controls and instrumentation. Government shall provide any additional parts required to accomplish the services. A service report shall be provided at the time of service describing the activities performed and recommendations. Additional requests for service and times shall be completed at the same rates listed in the contract. Hays Cleveland estimated cost for the described services at each facility is \$12,648.00 for the base year. The total total value for both facilities with 4 option years is \$141,040.00.

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):

We are requesting the following authority be used: a. Only One Responsible Source (FAR 6.302-1).

This service is tremendously valuable to the EKH VA facilities. The current system in each central plant was designed and supplied by Hays Cleveland. Each system includes boiler combustion controls and a computer work station. The systems were designed according to the VA Specifications and have been successfully commissioned by Hays Cleveland.

Service for the facilities should be provided only by Hays Cleveland in order to assure the work is of high quality and updates can be accomplished easily. This vendor is the only qualified firm to complete this service due to the follow-on requirement of this highly specialized service.

Only the individuals that work for Hays Cleveland are factory certified and trained on all their current equipment and upgrades. The company does not provide factory training and certification for individuals working for their competitors.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: A notice was posted on Fed Biz Ops as required by FAR 5.2.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: It is determined by the Contracting Officer that the anticipated cost will be fair and reasonable based on labor quotes consistent with current wage rates and standing contract VA255-P-0855 with the Kansas City, MO VAMC that includes the identical service and is of the same value, including option years.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Market research was conducted prior to the installation of the controls. It was determined at that time that Hays Cleveland offered the best solution and was awarded contract VA255-C-1406 as the manufacturer and servicing contractor to provide their proprietary controls and instruments for the Leavenworth and Topeka facilities. Additional market research can be conducted when purchasing new equipment of this type to promote competition.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: To provide the best quality health care, the manufacturer shall be the one responsible supplier of any combustion tuning services.

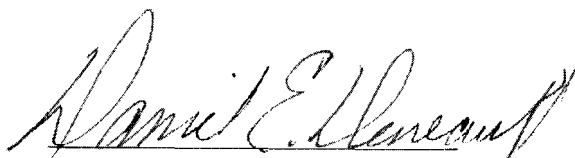
10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

N/A

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:

N/A

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.

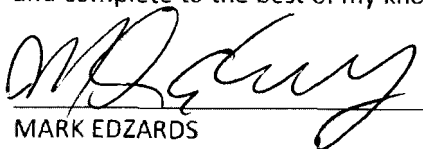


DANIEL DENEALT
Assistant Chief Engineer
TOPEKA VAMC



8/10/11
Date

13. Approvals in accordance with FAR 6.304

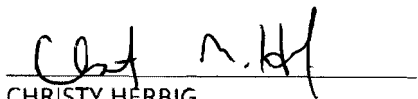
a. Contracting Officer's Certification: (required) I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



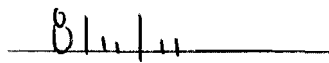
MARK EDZARDS
CONTRACTING OFFICER
VISN 15


8/10/2011
Date

b. VISN/PCA QA: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief. *This signature may be the VISN NCM/PCM if the Contracting Officer and Contracting Supervisor is the same individual.



CHRISTY HERBIG
QUALITY ASSURANCE COMPLIANCE MANAGER
VISN 15


Date

c. NCM/PCM: I certify the justification meets requirements for other than full and open competition.



BERNADETTE COTHERN
NETWORK CONTRACT MANAGER
VISN 15


8/11/11
Date

d. **SAO:** I certify the justification meets requirements for restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

N/A

PAMELA J. SANDERS
DIRECTOR
SAO CENTRAL REGION

DATE

e. **VHA HCA'S REVIEW AND APPROVAL (over \$500,000 to \$10 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4

N/A

Mr. Norbert S. Doyle
Acting Chief Procurement Officer
VHA, Head of Contracting Activity

DATE

f. **VA Senior Procurement Executive Approval (over \$10 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

N/A

JAN R. FRYE
DEPUTY ASSISTANT SECRETARY
OFFICE OF ACQUISITION AND LOGISTICS
SENIOR PROCUREMENT EXECUTIVE (SPE)

Date