

**JUSTIFICATION AND APPROVAL
FOR
OTHER THAN FULL AND OPEN COMPETITION**

- 1. Requesting Agency :** Department of Veterans Affairs
Engineering (138)
4100 West Third Street
Dayton, Ohio 45428-9000

Contracting Activity: Department of Veterans Affairs
Network Contracting Office (NCO) 10
3140 Governor's Place Blvd. - Suite 210
Kettering, OH 45409-1337

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

This project is named "Upgrade Water Distribution" and the purpose is to modify the existing water distribution system in various buildings on the Dayton VA campus to reduce the potential for legionella infection. The project includes alterations to the existing water distribution piping, minor architectural walls and finishes, as well as electrical work to support the proposed distribution system.

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

The Nalco domestic water disinfection system is required to provide a chlorine dioxide generation system to reduce waterborne pathogens in the domestic hot and cold water systems. This system uses no acid and requires only small quantities of a dilute sodium chloride solution to operate.

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

41 USC §253(c) (1), as implemented by FAR 6.302-1. The specific paragraph must be cited. Most likely, only the -1 or -2 authorities will be cited. Please be aware that failure to adequately plan for future requirements does not constitute appropriate use of the unusual and compelling urgency statutory authority.

- ☒ (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):

The medical center needs to have an effective and reliable way to provide secondary disinfection of domestic water to reduce waterborne pathogens. This product provides that.

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

This procurement will be competed / synopsized on www.fbo.gov and will indicate the requirement for brand name specification regarding the Automated Water Dispensers. Since the construction contract is being awarded as a firm fixed price contract through competitive sealed bidding, the bidders are incentivized to locate the supplier that will provide the item at the most economical price.

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

The best interests of the government are served through the use of this product. The pricing will be provided as part of equipment available in the commercial marketplace. The price will be determined to be fair and reasonable to the government based on competition.

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

There are several different kinds of domestic water secondary disinfection systems and chlorine dioxide systems are the most common. These types of systems are easy to maintain and can be used to disinfect both the hot and cold water piping systems. The facility current has a "Nalco" chlorine dioxide system being installed and this will allow for the medical center to standardize on the same system for ease of maintenance, familiarity of the system, available of repair parts, and for centralized testing.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

N/A


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:

No action can be taken in the circumstance due to the equipment being under warranty and the need to maintain this warranty. The VA will continue to review the marketplace during future construction initiatives to determine if products have become available which meet the needs of the VA.

12. Requirements Certification: I certify the supporting data, including the statement of the Government's minimum needs and other rationale for other than full and open competition is complete and accurate to the best of my knowledge. (FAR Subpart 6.303- 1(b)). The assertions and recommendations in support of the justification have been prepared by:




Chris Moorhead Project
Engineer/COR

Phone: (937) 268-6511 Ext. 2881

13. Approvals in accordance with FAR 6.304:

Contracting Officers Certification

The Contracting Officer has determined that the justification is accurate and complete to the best of the Contracting Officer's knowledge and belief.



Bob Ivey
Contracting Officer
Network Contracting Office (NCO) 10

01/29/2016

Approved / Disapproved



Donald P. Tam
Construction Team Manager
Network Contracting Office (NCO) 10