

**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 Armstrong Rada automated water dispenser, with integral mixing valve is required to reduce water consumption, as well as the potential for transmission of bacteria, viruses, and other microbes by minimizing contact with the faucet. The dispensers specified is a thermal eradication system, which allows the dispenser system to be heated to flush the unit with water temperatures above the survival temperature of legionella. Therefore, the system, when properly integrated, can significantly reduce or eliminate the potential for bacteria growth.*

**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 way of limiting the potential for bacteria growth inside their plumbing fixtures. This product provides the solution of a thermal disinfection, at the dispenser which is currently not offered by other manufacturers.*

**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](http://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:**

*Automatic dispensing fixtures are not created equal. In researching the current products on the market, there are many features and options available that pose concerns with their use as they relate to the development or growth of Legionella. For example, ASSE 1070 thermostatic mixing valves are required at public lavatories. ASSE 1070 thermostatic mixing valves limit the discharge temperature to 110 degrees F to minimize scalding to users. The downside of this requirement is that this temperature is the ideal breeding ground for Legionella. Typically, the mixing valve is installed below the counter and a tempered line extends up to the faucet spout. During thermal eradication, the high temperature hot water can't flow through the valve since it limits water to 110 degrees F. Therefore, the valve, the line extending up to the spout, and the faucet doesn't receive high temperature water for disinfecting these components.*

**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