



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, DC 20416

July 11, 2016

Mr. John D. Adams
Contracting Officer
Department of Veterans Affairs
Network Contracting Office 16
1555 Poydras Street
New Orleans, LA 70112

RE: PR#629-16-3-6604-0052

Dear Mr. Adams:

Based on the justification below, a waiver of the Nonmanufacturer Rule is hereby established for FMS Handheld Radios under purchase request number 629-16-3-6604-0052. This waiver applies only to this one-time award and does not apply to modifications outside the scope of the contract or other procurement actions. The effect of this waiver is to allow an otherwise qualified small business to supply the product of an other than small manufacturer or processor on this intended set aside for small business. However, it must be emphasized that this waiver of the Nonmanufacturer Rule **does not waive other legal requirements** applicable to Government procurements, such as the Buy American Act and the Trade Agreements Act.

This letter is in response to your request for an individual waiver of the Nonmanufacturer Rule (NMR) under NAICS 334220, (Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing) to allow a set-aside solicitation for a small business (SB). There are no small business manufacturers of this named brand handheld radios. The Department of Veterans Affairs, Network Contracting Office 16 through its market research found no small business manufacturers of these FMS handheld radios for use at its VA New Orleans, LA location. Your market research found several SBs that offer these handheld radios.

The waiver of the Nonmanufacturer Rule on an individual procurement is provided for in sections 8(a)(17) and 46 the Small Business Act, 15 U.S.C. §§ 637(a)(17) and 46. In your justification, you claim that no small business manufacturers of this named brand handheld radios that meet the specifications of VA for its New Orleans, LA location. Your market research supports this nonmanufacturer waiver request.

If you have any questions or require additional information, please contact Mr. Jon
Haitsuka of my staff at (202) 401-1420.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sean F. Crean". The signature is stylized with a large "S" and a long horizontal stroke at the end.

Seán F. Crean
RADM, SC, USN (ret)
Director
Office of Government Contracting
U.S. Small Business Administration