

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

Department of Veterans Affairs, Veterans Health Administration (VHA), Program Contracting Activity Central (PCAC).

The proposed procurement, Invitation For Bid (IFB) VA701-16-R-B-0099 is for the new Combined Heat and Power Plant construction project at the Memphis, TN VA Medical Center.

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

This justification is to support the construction of the new Combined Heat and Power Plant project at the Memphis, TN VA Medical Center that will be awarded as a firm-fixed price contract. This justification is for other than full and open competition for the procurement of certain construction materials. The use of a particular brand name for the item listed below accommodates standardization of this item throughout the facility.

- a. Adjusta-Screw
 - i. Markar

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

This procurement is for the construction of a new Combined Heat and Power Plant at the Memphis, TN VA Medical Center. The scope includes everything necessary to construct a functional project that meets the requirements of the Department of Veterans Affairs. There is one (1) brand name item listed for which the VA is not able to accept an equal or alternate item. The value of this item is listed below and the magnitude of the entire project is between \$1,000,000.00 and \$2,000,000.00.

- a. Adjusta-Screw
 - i. Markar
 - ii. Value: XXXXXXXXXX
 - iii. Unique Qualifications: The proprietary adjustable screw system can be incorporated into the hinge by various manufacturers to correct any out of plumb door frame situation initially, rather than using fixed shims, and allows user adjustment as building settlement occurs later.

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; 41 USC §253(c)(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 specific impact for not using the brand name item is listed below:

- a. Adjusta-Screw
 - i. Markar
 - ii. Impact: Utilizing the adjustable screw method for installation provides a superior first installation with the added benefit of future adjustment if building settlement creates racking of the door frame later.

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

In accordance with the Competition in Contracting Act (CICA), the component listed above is identified as brand name; however, the overall procurement will be competed as a Service-Disabled Veteran-Owned Small-Business (SDVOSB) Set-Aside. This Justification For Other Than Full and Open Competition will be posted to Federal Business Opportunities with the solicitation.

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

The design was completed by Allen & Hoshall, Inc. of Memphis, TN. Allen & Hoshall, Inc. provided a complete government estimate. The anticipated price to the Government for the item requested to be brand name is approximately [REDACTED]

The item for which brand name approval is being requested is a subsequent component to the overall construction project. This procurement will be competed and based on competition; the Contracting Officer will make a determination of fair and reasonable pricing prior to award.

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

The market research for the design and equipment was conducted by Allen & Hoshall, Inc. to secure prices for the government estimate, and was shared with the Contracting Officer and Contracting Officer's Representative for further review. The Contracting Officer and Contracting Officer's Representative were in concurrence with information provided in the estimate that supported the brand name item. These sources have been identified by Allen & Hoshall, Inc. as a result of their contract to design this project.

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

All the specifications and drawings associated with this project have been developed identifying the brand name item as a requirement for the project.

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

Not applicable. It is the responsibility of the bidders and the general contractor awarded the project to locate suppliers and obtain pricing for all bidding materials and components, including the items listed in this justification.

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:

There will be competition for the overall procurement. It will be the responsibility of the bidders to obtain pricing from the suppliers of the items and to submit a competitive bid for the project.