

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>\$150K)

Acquisition Plan Action ID: VA256-16-AP-7957

1. **Contracting Activity:** Department of Veterans Affairs, VISN 16, Division III Supply Team C 667 SHR Overton Brooks VA Medical Center 2237# 564-16-3-482-0742
2. **Nature and/or Description of the Action Being Processed:** A Firm Fixed-Price Open Market Purchase Order for the Purchase and Programming of Police 2-Way Radios for use by the VA Police working the Veterans Healthcare System of the Ozarks in Fayetteville, AR and supported CBOCs and other VA activities.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for Commercial Items (Radios) in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

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

Police Radios; Base Stations, Power Supplies, Cabling, Handhelds, Speaker Mikes, Programming and Encryption, Antennae as follows:

Item	UI	Unit Price	Qty	Description	Item Net Cost
0001	EA	\$10,400.00	1.00	FLEXGATE RAVEN INTEROPABILITY CONSOLE	\$10,400.00
0002	EA	\$180.00	2.00	XTL-2500 MOTOROLA INTERFACE CABLE	\$360.00
0003	EA	\$155.00	2.00	NX-5800 KENWOOD INTERFACE CABLE	\$310.00
0004	EA	\$2,200.00	6.00	NX_5800 KENWOOD P-25 MOBILE RADIO	\$13,200.00
0005	EA	\$239.00	4.00	HOODED BASE POWER SUPPLY	\$956.00
0006	EA	\$1,975.00	56.00	NX-5300 KENWOOD HANDHELD RADIO P-25	\$110,600.00
0007	EA	\$96.00	56.00	KMC-41D KENWOOD SPEAKER MIKE	\$5,376.00
0008	EA	\$437.50	61.00	KWD-AE31K AES & DES ENCRYPTION	\$26,687.50
0009	EA	\$525.00	1.00	KPG-AE1K AES & DES ENCRYPTION KEY	\$525.00
0010	EA	\$109.00	4.00	UHF MAG MOUNT ANT KIT	\$436.00

Total Price \$168,850.50

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;

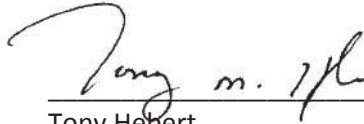
FAR13.5 Simplified Procedures for Certain Commercial Items: The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Smith Two Way Radio is the only authorized dealer of Kenwood radio equipment in Northwest Arkansas. They are also designated by the State of Arkansas as a "Gatekeeper" - a holder of the programming and encryption keys for the frequencies used by State Public Safety for Law Enforcement, Fire, and EMS. They are also designated by Washington County and the City of Fayetteville as the Gatekeeper for municipal Law Enforcement, Fire, and EMS frequencies. Only Kenwood equipment can be programmed using these keys. A check of FPDS shows that other Federal agencies (DEA, US Marshals, Army) requiring Law Enforcement radio use Smith Two Way on a noncompetitive basis.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**
No other source was contacted because Smith Two Way Radio is the designated gatekeeper, holding appointments by the State of Arkansas, County of Washington, and City of Fayetteville as the only source able to program access to the emergency frequencies used by Law Enforcement, Fire, and EMS.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Determination of Fair and Reasonable pricing can be made by Commercial Price Analysis. The vendor will be contacted to provide sales orders, invoices, etc., showing the prices for the same commercial items charged to other government, commercial, and non-profit organizations.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The customer provided a sole source statement describing the status of Smith Two Way Radio as the local government-designated Gatekeeper for programming the radios. Smith Two Way Radio, Terry Griffin was contacted to verify this. In order to keep unauthorized parties from using emergency frequencies, the State of Arkansas and its municipalities designate certain vendors to sell and program police radios.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** A check of FPDS shows the VA and other federal agencies using Smith Two Way Radio exclusively on a noncompetitive basis for obtaining new radios and radio equipment. Smith Two Way is a Small Business under the NAICS used to purchase radios - 334220 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** N/A

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

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: As long as the State of Arkansas and its municipalities restrict access to their emergency channels, purchases of radios for Police, Fire, and EMS will be required to be made on a noncompetitive basis.

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.



Tony Hebert
Chief of Police
VHSO, Fayetteville, AR

08/04/2016

Date

13. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP](#).

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

Paul G Filhiol 664375
Digitally signed by Paul G Filhiol 664375
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Paul Filhiol
Contracting Officer
NCO 16 Div III Supply C 667 SHR

08-08-2016

Date

b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

AARON VILLALPANDO
178014
Digitally signed by AARON VILLALPANDO
178014
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va.gov, cn=AARON VILLALPANDO 178014
Date: 2016.08.08 11:15:50 -05'00'

Aaron Villalpando

NCO/PCO 16 Director of Contracting or Designee

8/8/2016

Date