

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)

Acquisition Plan Action ID: [REDACTED]

1. **Contracting Activity:** Department of Veterans Affairs
Network Contracting Office 4
323 North Shore Drive, Suite 400
Pittsburgh, PA 15212
[REDACTED]
2. **Nature and/or Description of the Action Being Processed:** The proposed action is for a firm-fixed-price contract for PM and Load Bank Testing of two (2) Cummins generators at the Coatesville VA Medical Center's (VAMC). This procurement is 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:** The Coatesville VAMC has a requirement for 4.5-hour load-bank tests and full preventative maintenance on two (2) DQ-QAB 133786 generators located in building 74A. The Coatesville VAMC consists of 100 acres, 43 active buildings, and 450 live-in patients. Due to frequent electrical infrastructure issues associated with the local utility's power supply from the [REDACTED] these two (2) generators are frequently brought into use. The size of the campus, wire, transformers, and separate functional needs of each building must be accounted for and adjusted accordingly for each generator, and perform sensitivity adjustments to the breakers. The period of performance is for a base year and four (4) option years. The total amount of this action is [REDACTED]
4. **Statutory Authority Permitting Other than Full and Open Competition:** FAR Subpart 13.5 used in accordance with 41 U.S.C 1901.
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 suggested source is Cummins Power Systems, LLC., 2727, Ford Road, Bristol, PA 19007-6805. Cummins has trained/qualified service technicians that have a unique understanding of the functionality of these generators. No other manufacturer or service technician can replicate this knowledge or access the proprietary software embedded into the generators. Cummins technicians have specific proprietary code-reading hardware that is plugged in to the control package which diagnoses any issues, analyzes during functions and monitors and installs proprietary updates. This proprietary code can then be deciphered immediately by a Cummins technician.

In addition, [REDACTED] developed a specific software program to accommodate only the Coatesville VAMC with these two (2) Cummins generators. There are proprietary software patents on the [REDACTED] program. If any adjustments are made to the generators, those adjustments must immediately be made to the control package. There are extremely sensitive safety controls

throughout the electrical circuit that must be adjusted to account for generator voltage and hertz modifications. Cummins installed the generators and must continue to work with [REDACTED] in unison due to this joint operability requirement to ensure a fluid emergency power supply.

From June 24-26, 2015, the Coatesville VAMC facility was without local utility power for 47 continuous hours. These two (2) generators were part of the emergency sources that provided back-up power to the campus during that time. Cummins is the only source capable of providing this requirement to the Coatesville VAMC at this time. Without this award, critical and necessary resources to maintain life and safety needs will not be met, as these generators supply all emergency power to this campus.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This action was synopsized on the www.fbo.gov website IAW FAR 5.201.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The contracting officer will determine price reasonableness IAW FAR Part 13.106-3.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** As stated in paragraph #6 above, the Government did post a synopsis on the www.fbo.gov website. Since Cummins has proprietary rights to their software operating programs, no further market research was performed. The commercial market place will continue to be monitored for further developments and possible sources so as to aid competition for any future requirements the Coatesville VAMC has regarding these two (2) Cummins generators.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** See paragraph #5 and 6 above.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** In response to the synopsis that was posted on the www.fbo.gov website, the Government received one (1) source that expressed interest in writing from [REDACTED]. After reviewing the information provided by [REDACTED], it was confirmed that said source did not currently possess the requisite Cummins proprietary data rights to perform this requirement.
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:** see paragraph 8 above.

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.



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.



- b. **Branch Chief:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

