

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, Request for Proposal (RFP) VA701-17-R-0009 is for the Expand Emergency Department Minor Construction project at the Loma Linda, CA VA Medical Center.

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

This justification is to support the construction of the Expand Emergency Department Minor Construction project at the Loma Linda, CA 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. Electronic Submittal Tracking System
 - i. Submittal Exchange

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

This procurement is to support the construction of the Expand Emergency Department Minor Construction project at the Loma Linda, CA VA Medical Center. The scope includes everything necessary to construct a functional building that meets the requirements of the Department of Veterans Affairs. There is one (1) brand name item listed for which the VA will not accept equal or alternate items. The value of this item is listed below and the VAAR Construction magnitude for the entire project is between \$5,000,000.00 and \$10,000,000.00.

- a. Electronic Submittal Tracking System
 - i. Submittal Exchange
 - ii. Value: XXXXXXXXXX
 - iii. Unique Qualifications: This is the system that the Loma Linda VAMC Engineering Staff uses to standardize the tracking of submittals during construction. The staff has been trained on all of the nuances of this system in order to effectively use the system.

4. Statutory Authority Permitting Other than Full and Open Competition:

(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):

This item has been standardized throughout the Loma Linda VA Medical Center. The specific impact for not using the brand name item is listed below:

- a. Electronic Submittal Tracking System
 - i. Submittal Exchange
 - ii. Impact: This is the submittal tracking system that has used by the Loma Linda Engineering Staff for all of their Construction projects. Without the use of this tool many man hours will be lost due to delivery and tracking issues. Training to learn a new system would also cost the staff time an effort that could negatively impact the construction projects.

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 EwingCole. EwingCole provided a complete government estimate. The anticipated price to the Government for the item requested to be brand name is approximately

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 EwingCole 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. This source has been identified by EwingCole as a result of their contract to design this project. Approval of the item as brand name only is critical for the overall efficiency of the completed project and the Loma Linda facility as a whole.

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 offerors and the general contractor awarded the project to locate suppliers and obtain pricing for all materials and components, including the item 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 offerors to obtain pricing from the suppliers of the item and to submit a competitive proposal for the project.

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 FAR 6.304

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

