

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 10, Louis Stokes Cleveland VAMC, will enter into a construction contract that requires the procurement of this item which requires justification for other than full and open competition. A purchase request number is not yet available.
2. **Nature and/or Description of the Action Being Processed:** This project is named "Replace Automatic Transfer Switch 15 in Energy Center" and the purpose is to provide a replacement Automatic Transfer Switch #15 located in the Energy Center on the Wade Park Campus satisfying an electrical condition gap.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The VISN 10 Contracting Activity Cleveland is requesting the use of brand name specification for providing one (1) new automatic transfer switches (ATS) as part of a direct replacement of an existing ASCO ATS as part of the medical center emergency power network. This ATS will be an integral component of the overall, upgraded medical center emergency power system needed to provide emergency power to the chiller plant, as described above. The estimated cost for this component of the project is [REDACTED] which is less than 15% of the overall estimated project amount.
4. **Statutory Authority Permitting Other than Full and Open Competition:** The product is being procured under the authority of 41 U.S.C. 253 (c) (1), FAR Part 6.302-1 (a) (2).
 (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;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** ASCO is the only responsible source for the automatic transfer switch (ATS) needed for this project. The use of an ASCO ATS in the acquisition is **essential** to the Government's requirements, thereby precluding consideration of a product manufactured by another company. This project is adding an automatic bypass/isolation transfer switch which allows an electrical power system to supply power from the normal utility source and a backup power source. The ATS is equipped with automatic controls which will start the backup power source and transfer the loads to the best power source available.

The Wade Park facility has approximately (48) existing ATS's which are all manufactured by ASCO. ASCO

ATSs have been selected by the successful low-bid contractors and approved by the VA in the past project to initially install the ATS systems, and all subsequent projects to expand this system, due to pricing and compliance with the VA's specifications. The ATSs are considered highly specialized life safety equipment and comprise a vital component for providing emergency power to the medical center's critical patient care equipment. The operational controls for each manufacturer of transfer switches are different, we recommend selecting to sole source ASCO for this purchase. Continuing with the single prevalent manufacturer of this equipment is considered essential to enable VA technicians to operate, maintain and troubleshoot this critical, highly complex system which directly supports essential patient care equipment. Furthermore, since this project will only add one additional ATS, retaining the consistency of ASCO ATS equipment throughout the medical center is the common sense approach as well.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This procurement will be competed/synopsized on www.fbo.gov and will indicate the requirement for brand name specification regarding the ASCO ATS electrical switching equipment.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost should be fair and reasonable to the government based on the overall project is being competed. Since the construction contract is being awarded as a firm fixed price contract through competitive sealed bidding, the bidders are incentivized to locate the supplier that will provide the item at the most economical price.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** ATSs manufactured by GE and APC-Schneider have been investigated. Their systems are capable of performing the desired automatic electric power switching, however, integrating other manufacturers' systems with the existing medical center emergency power network would require the use of extensive gateways and communication/protocol translators. This extra equipment required would be cost prohibitive, and significantly complicate the system. These factors make it necessary to stay with the ASCO ATS.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None. See Items 5 above.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Item 8 above.
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:** Not Applicable – See Item 5.
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.



Nicholas Carrozza
Assistant Chief Engineering

3/10/17

Date

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.

Digitally signed by Donald P. Tam
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Donald P. Tam
Contracting Officer
Network Contracting Activity (NCO) 10

03-23-2017

Date