

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION DUE TO SOLE SOURCE REQUIREMENT

REQUIRED INFORMATION
1. FACILITY NUMBER-NAME- CITY, STATE: <b>656-St. Cloud VA Health Care System-St. Cloud, MN</b>
2. VISN OR PROGRAM ACTIVITY: <b>23</b>
3. POC NAME AND TELEPHONE NUMBER: <b>James Cross, (320) 252-1670 x7775</b>
4. PROPOSED ACTION: Sole Source Procurement of <b>COMMODITY</b>
<p>5. DESCRIPTION OF REQUIREMENT: <b><i>This is a requirement for a specific commercial construction brick product. The requirement is for a brand name only, Acme-Ochs Brick &amp; Stone Harvard Series Blend: 55% No. 65, 25% No. 70, 15% No. 70D and 5% No. 90. The St. Cloud VA HCS is a national historic site; therefore, it is required that all brick used on new facility buildings match the existing brick. Facilities Engineering has determined that the Acme-Ochs brand brick specified in this J&amp;A meets the requirement.</i></b></p> <ul style="list-style-type: none"> <li>• Supplies/Equipment: Technical Characteristics can include, but are not limited to model, make, part number, color, size, quantity, delivery date, etc. Services: Refer to the statement of work, statement of objective, or performance work statement for your description.</li> </ul>
<p>6. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION: <b>Brand Name</b></p> <ul style="list-style-type: none"> <li>• FAR 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements</li> <li>• FAR 8.405-6 Limited sources justification and approval</li> <li>• FAR 13.106-1(B) SAP Requirements – Soliciting From a Single Source</li> </ul> <ul style="list-style-type: none"> <li>• This is a reference to the part of the Federal Acquisition Regulation that allows an item to be purchased without being fully competed. This statement serves as a point of reference in case the justification is questioned. In this case, it would be reviewed for its relativity to this part of the Federal Acquisition Regulation.</li> </ul>
<p>7. NATURE &amp; BACKGROUND OF ACQUISITION TO JUSTIFY SOLE SOURCE: <b><i>The project is an addition to an existing structure so it is important to match the existing brickface in order to provide a uniform appearance. In addition the St. Cloud VA campus has been identified as being eligible for listing on the National Register of Historic Places. As such, the MNSHOP requires that every effort be made to incorporate new structures so to maintain the site's historic appearance. This project was submitted and received a "No Adverse Effect" determination based on the understanding that the Acme-Ochs face brick would be utilized.</i></b></p> <ul style="list-style-type: none"> <li>• Describe the minimum salient characteristics that will meet your needs. This is the area where you explain why no other vendor anywhere can supply this requirement for you. Acceptable reasons for "sole source" include (but are not limited to): bound by contract, technical order specification, warranty service, or regional standardization. If the reason for sole source is determined locally, offer what market research or clinical guidelines led to the decision. If this item is included in an allowance standard for War Reserve Materiel (WRM), cite the allowance standard, required source, and stock number for this item. NOTE FOR WRM PURCHASES: The Defense Logistics Agency is your primary source for WRM equipment. Be sure to determine availability from a DLA item manager before contracting for WRM equipment. If DLA cannot meet your timelines for WRM equipment, your urgency may be further justification for other than full and open competition. See your Medical Logistics Flight Commander for more details.</li> </ul>
<p>8. PROVIDE INFORMATION SHOWING MARKET RESEARCH WAS CONDUCTED: <b><i>Acme-Ochs has manufactured the brick for the site construction since it's establishment in 1925. It is common commercial practice for brick makers to offer proprietary colors, textures and patterns. While it may be possible for another manufacturer to develop a suitable alternative, this project is not intended to involve the development of new products, but rather is intended to utilize known commercial items in order to meet the Government's construction needs.</i></b></p> <ul style="list-style-type: none"> <li>• This justification is for why no other vendor anywhere can supply your item or service and still meet your needs. Your rationale for barring other vendors is crucial to your justification. If you already cited the statutory</li> </ul>

reason for a sole source, state, "See paragraph 7". If your rationale for a sole source purchase was determined locally, offer an explanation of the source selection process you went through to determine your sole source requirement. Unacceptable reasons include (but are not limited to) personal taste, good relationship with existing vendor, or one's comfort level with a particular vendor.

- Describe the similarities and differences in vendors for the product that you are aware of that could assist or prevent the purchaser from obtaining the best value for you. Be sure to name the vendors. This section will help the purchaser decide which vendors are available to purchase this item from. If market research was not conducted, state it AND the reason that there was no market research.

9. PRICE ANALYSIS "FAIR AND REASONABLE": *Acme-Ochs has manufactured the brick for construction of St. Cloud VA facility buildings since 1925. The brick was used most recently in the Site Prep for MRI project with a current completion date of August 21, 2012. The price of the brick component of that project was: [redacted] per modular brick. Acme-Ochs has estimated that the price of brick for this project is [redacted] per modular brick. This pricing of [redacted] per 1000 is equivalent to the commercial pricing of similar brick, as shown on the attached. Therefore, in accordance with regulation regarding the use of published commercial catalog pricing, the Acme brick pricing is determined to be fair and reasonable.*

- This section is mandatory. Do not leave this section blank. Even though this must be purchased from only one source, you must still obtain a quote from the vendor for this purchase. This way you are able to verify added costs for delivery, your geographic region, or installation. Cite the pricing here. If you purchased this item before, compare this price to what you paid last time. Cite this here as well.

10. LISTING OF SOURCES EXPRESSING INTEREST IN THIS REQUIREMENT: *The W.W. Thompson Concrete Products of Brainerd, MN has expressed interest in this requirement. The POC at Thompson is Scott Johnson*

- Enter or attach contact information for sources you cited in the description of your source selection. If sole source by statute, regulation, or standard, list contact information for that source here.

11. FUTURE ACTION TO OVERCOME BARRIER TO OTFOC: *None planned at this time. The development of new commercial brick products is beyond the scope of any currently funded VA project. It may be possible for a brick manufacturer to develop a suitable product on its own, and of course such innovation is encouraged; however, it is not in the Government's best interest to delay currently funded projects while such independent innovation takes place.*

- This section fulfills the legal requirement to affirm that the selection of a singular source for this requirement is an anomaly and that action will be taken in the future to ensure full competition in the future. The reason this is needed is to describe how the government will make an effort in the future to fully comply with standard acquisition practices and not resort to creating unnecessary partnerships with few vendors at the risk barring full competition to circumvent the FAR. By signing this, you are telling the contracting officer to avoid the processes that assure best value and fairness in this acquisition. If the reason for sole source purchase is because of statute, standard, or regulation, enter "THE SOURCE FOR THIS PURCHASE IS REQUIRED IAW [cite the standard here]."

SUBMITTED BY:

Signature: \_\_\_\_\_

*James J. Cross*

Department/Requestor

Date: \_\_\_\_\_

*6/6/12*

SIGNED BY:

Signature: \_\_\_\_\_

*Michael A. [redacted]*

Warranted Contracting Officer

Date: \_\_\_\_\_

*6/7/12*