

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID:** VA248-14-AP-11883

1. **Contracting Activity:** Department of Veterans Affairs, VISN 08, James A. Haley Veterans Hospital (JAHVH) Tampa, Florida. 2237# 673-17-3-084-0122.
2. **Nature and/or Description of the Action Being Processed:** This is a Brand Name Justification to procure “Dinex” brand name Cook Serve Pod Tray Assembly System. This procurement is for a Firm-Fixed Price contract to purchase a Dinex Cook Serve Pod Tray Assembly System 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 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:** This procurement for the Tampa VA Hospital requires Dinex brand name Cook Serve Pod Tray Assembly System to replace the existing Cook Chill Systems which is dated and beyond its useful life. This equipment will convert the food preparation from the current cook chill food operation where food is prepared up to 5 days in advance to a cook serve operation where all foods are cooked fresh and plated fresh for delivery to the patient. The Cook Serve Pod Tray Assembly System being procured consists of multiple pieces of equipment that allow for this type of patient meal and tray production. The estimated value of this procurement is \$363,695.91. Four weeks’ notice require prior to installation to allow for dining facility coordination.
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; Far 13.501 (41 U.S.C. 1901)
  - ( ) (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 is a justification for Brand Name procurement of "Dinex" brand name Cook Serve Pod Tray Assembly System for the Food Services main kitchen. The uniqueness of "Dinex" brand name Cook Serve Pod Tray Assembly System is it will allow interchangeability between the two different kitchens, Main Kitchen & American Heroes Café(AHC) operated by Food Services. The Dinex Cook Serve Pod Tray Assembly System is needed to allow 100% of tray ware interchangeability. Currently with the different methodologies, approximately 50% of the tray ware is interchangeable. The equipment and tray ware must be interchangeable between each kitchen to maximize efficiency and effectiveness of labor along with interoperability and contingency planning. Currently, the main kitchen has Dinex equipment and tray ware but uses a cook-chill methodology. Even with the different cooking methods, some of the equipment and tray ware is interchangeable since it is all Dinex brand. Each day, approximately 15,000 pieces of tray ware are washed, dried, and made ready for the next day's meal service. If the two kitchens operated with different brands of equipment and different tray ware, each piece of tray ware will need to be sorted and stored separately depending on which kitchen would utilize it. This is highly inefficient and ineffective and would lead to delays in meal service if the right tray ware is not available in the right kitchen at the right time. Having the same tray ware for each kitchen is needed to enhance employee training and education. Food Service employs the most entry level Wage Grade 1 employees in the entire organization and experienced a 33% turnover rate last fiscal year. Using the same tray ware will streamline education and training for new staff members and prevent mistakes and errors impacting patients' meal service. Food service employees work in both kitchens and routinely rotate. Using the same brand of equipment for both kitchens is needed to aid in education and training for new staff members and lessen employee mistakes and enhance employee safety. Also, when equipment is down or needs preventive maintenance, the kitchens will be able to share equipment between them to be able to continue to serve our patients. Without equipment interoperability, meal service would be impacted by not being able to share equipment and service operations would be forced to change the menu and serve patients a cold sandwich type meal instead of using the normal menu which would significantly impact patient satisfaction. On average, each piece of equipment is out of service 1 day per quarter for preventive maintenance. Without equipment interoperability and being able to shift equipment between both kitchens, up to 14 days per quarter could be impacted by equipment down time with the potential for 21000 patient meals to be impacted (14 days x 500 patient beds x 3 meals per day). The newer kitchen has Dinex brand equipment and Dinex brand tray ware, accordingly Dinex is the only manufacturer capable of providing the equipment described in Section III above without the Veterans Health Administration experiencing substantial duplication of costs and delays in the level of service it could provide to the Veterans.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

The brand of Cook Serve Pod Tray Assembly System is what is crucial to this Brand Name justification. Carlisle the manufacturer of the item making up requested Dinex Cook and Serve Pod System does sell direct to the end user, but uses authorized distributors. Carlisle has provided a authorized distributor lists containing five vendors.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Multiple distributors will be solicited for this requirement establishing competition. The CO shall make a determination of fair and reasonableness based on a direct comparison of pricing amongst distributors and any other quoter.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

In completing market research, the Food Service department did look at other brands of Cook Serve Pod Tray Assembly Systems currently available. Both Aladdin Temp-Rite and Burlodge USA are purveyors of this type of food service equipment. Both brands were looked at during the market research period, however the need for equipment and tray ware interoperability with the two kitchens is the justification for the Brand Name procurement of Dinex brand equipment.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** Additional benefits are obtained by having the same brand equipment in both kitchens by the Maintenance and Operations section of Facilities Management Service. Same brand equipment, not only requires less specialized training, it will require the M&O section to keep less replacement parts on hand for emergency repairs, decreasing the parts line item inventories.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Carlisle Foodservice Products Incorporated has provided a list of authorized distributors.

**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:** This Brand Name justification will be posted along with the solicitation on FedBizOpps in accordance with FAR 13.501(a)(1)(iv) allowing interested sources an opportunity to respond to this justification.

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

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.

