

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

1. FACILITY NUMBER-NAME- CITY, STATE: 610, VA Northern Indiana Healthcare System (VA NIHCS), Marion, IN
2. VSN OR PROGRAM ACTIVITY: 11
3. POC NAME AND TELEPHONE NUMBER: Charles Applewhite, 785-674-3321 x73473
4. PROPOSED ACTION: Sole Source Procurement of SERVICE
5. DESCRIPTION OF REQUIREMENT: Provide emergency temporary boiler at the Marion, IN. boiler plant to provide steam to the facility as second boiler has now failed and the station is served with only one (1) operating boiler. Under these emergent conditions, a contractor is being requested to provide two (2) dual fuel, natural gas and Number 2 fuel oil, 22,500 (+/- 10%) pound/hour, 90 Pounds per square inch steam pressure, boilers, to be delivered to, and connected to the steam distribution system at the VA NIHCS. The contractor shall provide all materials, certified labor and expert supervision to furnish and install the enclosed mobile boiler with all the safety and ancillary equipment needed to make the boiler operational with all of VA NIHCS, Marion Boiler Plant's equipment and facilities. <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>
6. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION: Unusual and Compelling Urgency <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 6.406-6 Limited sources justification and approval</li><li>• FAR 13.106-1(B) SAP Requirements - Soliciting From a Single Source</li><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 relevancy to this part of the Federal Acquisition Regulation.</li></ul>
7. NATURE & BACKGROUND OF ACQUISITION TO JUSTIFY SOLE SOURCE: Provide emergency temporary boiler at the Marion, IN. boiler plant to provide steam to the facility as second boiler has now failed and the station is served with only one (1) operating boiler (which is also the oldest one at the Marion campus). The recent failure of the backup boiler could have resulted in the facility as being in a compromised position such that evacuation/temporary closure of the Marion Campus and curtailment of services at the Ft. Wayne Campus (all surgical/ dental procedures & some dietary operations). According to VHA DIRECTIVE 2008-062 & The Design Instructions to Architects and Engineers manual for boiler plants (The Marion campus is currently not in compliance with this VA guidance if the last boiler fails - See Attached) Sufficient steam production capacity (22,000 Pounds Per Hour (PPH)) must be maintained with a level of redundancy to insure the survivability and the safety of the Marion medical center. The Marion medical center is currently without redundancy, (NOTE: the loss of steam to sterilize surgical/dental instruments would like wise result in the Curtailment of all Surgical/Dental Operations and some dietary operations at the Fort Wayne Campus. All instruments are processed at the Marion campus and transported to the Fort Wayne Campus. In addition the boilers provide steam for Cooking,

**Heating and Humidity control at the Marion Campus. A temporary boiler must be provided and installed immediately to avoid what potentially could be a catastrophic event, which will ultimately affect both the Marion and Fort Wayne campuses of the VA NIHCS if a system is not put in place to address this situation immediately. If the current boiler goes down with no back up in place patients would have to be evacuated immediately from the Marion Campus and Ft. Wayne does not have capacity to take our almost 200 inpatients since they only have 25 mainly surgical beds. Indianapolis VA would also not be able to fully accommodate all of the Marion patients. The Marion patient population is primarily geriatric and mental health and some require restrictive quarters which many others hospitals will be unable to accommodate. Transportation of 200 patients would be virtually impossible and the cost associated would be astronomical. The Marion campus also has onsite Physician quarters that is currently occupied and would also be evacuated and those physicians relocated at the facilities expense. These circumstances have the potential to draw adverse regional and possibly national attention to the organization if any portion of this scenario comes to fruition.**

- 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 Material (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.

- 8. PROVIDE INFORMATION SHOWING MARKET RESEARCH WAS CONDUCTED:** *Market research (FSS, CCR, SBA and VetBiz) was conducted and showed that there was only one SDVOSB that can perform the requirement to meet our immediate delivery and installation time, has the staff that can meet the performance of 50% of the labor being supplied by them, presents the lowest price, and has experience which is used to determine responsibility. The intent of the market research was to establish a technically acceptable approach, meet the 50% of the labor as prescribed in FAR 19.508(e), and presents the lowest price. It is our intent to procure this Urgent and Compelling requirement, Sole Source to SDVOSB under 38 U.S.C. 8127 (Pub. L. No. 109-461 Veterans First) statutory authority under FAR 6.302-5.*

- 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 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":** *The price will be determined by the contracting officer upon award via a Price Reasonableness determination using the current market trends and established commercial pricing for the rental and services and the independent government estimated supplied by the customer.*

- 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: *Sole Source by Statute – Geller Mechanical Contractors, 6561 Glenway Avenue, Cincinnati, Ohio 45211-0324.***

- 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: *This action is being requested under the Urgent and Compelling authority. Future plans call for the procurement of competitively bid temporary boilers and the replacement of the existing steam producing boiler thru a new competitive contract. Currently there is a AE design underway, when completed will result in a construction contract which includes an entire boiler system.***

- 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 of having 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 LAW [cite the standard here]."

SUBMITTED BY:

Signature: 

Department/Requestor

Date: 5/15/12

SIGNED BY:

Signature: 

Warranted Contracting Officer

Date: 5/15/12

APPROVED BY:

Signature: 

NCM or Product Line Supervisor

Date: 5-17-12

Note: Anything that is over 500K will need to strictly follow the SOP J&A Attachment.