

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>\$150K)

Acquisition Plan Action ID: VA257-17-AP-5947

1. **Contracting Activity:** Department of Veterans Affairs, SAO West Network Contracting Office (NCO) 17 intends to enter into a sole source agreement on behalf of VISN 17, Amarillo VA Health Care System (AVAHCS) for the purchase of Two-Way Radios. Funds have been reserved under 2237 504-17-2-6135-0028.
2. **Nature and/or Description of the Action Being Processed:** The VA intends to enter into a sole source, firm-fixed-price, delivery order with Cynergy Professional Systems, LLC., for the purchase of Two-Way Radios.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for scopes and supporting equipment currently found in the commercial market place; 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 Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

However, it is the intent of the VA to conduct this acquisition under the authority of FAR 6.302-5 Authorized or required by statute.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The AVAHCS is in need of new and more robust Two-Way Radios for use by its Engineering Department capable of standing up to high levels of environmental abuse to include high amounts of dust, moisture/water, grease, solvents, and physical impacts. In addition, the AVAHCS already possess Motorola units, which will become inoperable if switching to radios manufactured by another company. This would result in a loss of over \$7,000.00 in unused equipment.

This acquisition is estimated at a value of

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(1), as implemented by FAR 6.302-5. This document is executed under the authority of P.L. 109-461.

- ☐ (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):** The AVAHCS is in need of new and more robust Two-Way Radios for use by its Engineering Department capable of standing up to high levels of environmental abuse to include high amounts of dust, moisture/water, grease, solvents, and physical impacts. In addition, the AVAHCS already possess Motorola units, which will become inoperable if switching to radios manufactured by another company. This would result in a loss of over \$7,000.00 in unused equipment. Market Research was conducted in accordance with FAR Part 10 and Cynergy Professional Systems, LLC. was found to be the only SDVOSB capable and willing to fulfill the government's minimum requirement via FSS SEWP contract.
- Cynergy Professional Systems, LLC. was contacted and they confirmed they are a VetBiz registered SDVOSB and have a current SEWP contract for the items required. A search of VetBiz.gov revealed that the contractor is a registered SDVOSB. Being the only VetBiz.gov registered supplier through the use of FSS, this action is authorized by statute; P.L. 109-461. This Justification and Approval is executed under the authority of FAR 6.302-5. While the purchase from SEWP falls under FAR Part 8; 8.405-6 does not give an authority to Limit Sources based upon socio-economic categories, or as authorized by statute. Therefore, this justification has been prepared in accordance with FAR 6.3.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A search of VetBiz for NAICS 334210 revealed eighty-six (86) registered SDVOSB/VOSB matches. These contractors were contacted concerning the requirement. Only one (1) SDVOSB contractor responded positively stating the required equipment is available under SEWP contract. This was confirmed by reviewing NNG15SC67B.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** In accordance with FAR Part 8.404, GSA has previously determined the prices of supplies and fixed-price services, and rates for services offered at hourly rates, under schedule contractors to be fair and reasonable. Therefore, ordering activities are not required to make a separate determination of fair and reasonable pricing, except for a price evaluation as required by FAR Part 8.405-2(d). By placing an order against a schedule contract using the procedures in 8.405, the ordering activity has concluded that the order represents the best value for the Government (as defined in FAR 2.101) and results in the lowest overall cost alternative (considering price, specialist features, administrative costs, etc.) to meet the Government's needs.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market Research was conducted in accordance with FAR Part 10 and Cynergy Professional Systems, LLC. was found to be the only SDVOSB capable and willing to fulfill the government's minimum requirement via GSA SEWP contract. A search of VetBiz for NAICS 334210 revealed eighty-six (86) registered SDVOSB/VOSB matches. These contractors were contacted concerning the requirement. Only one (1) SDVOSB contractor responded positively stating the required equipment is available under SEWP contract. This was confirmed by reviewing NNG15SC67B.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The AVAHCS already possess Motorola units, which will become inoperative if switching to radios manufactured by another company. This would result in a loss of over \$7,000.00 in unused equipment.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

Cynergy Professional Systems, LLC.
23187 La Cadena Dr., Ste. 102
Laguna Hills, CA 92653

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:** At this time the government has no recourse to overcome the barriers to competition until more SDVOSB/VOSB contractors are authorized to distribute Motorola products via FSS.
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.

Scott Ross
Biomedical Equipment Support Specialist
Amarillo VA Health Care System

Date

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.

Jessica E. Roman
Contracting Officer
NCO 17

Date