

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

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

Acquisition Plan Action ID: VA261-18-AP-1084

1. **Contracting Activity:** Department of Veterans Affairs, VISN21, VASNHCS Medical Center, Reno Nevada. Purchase Request Number 654-18-2-055-0004
2. **Nature and/or Description of the Action Being Processed:** This activity proposes to negotiate a new, noncompetitive award (sole source, logical follow-on) firm-fixed price contract with Glen/Mar Construction, Inc. for the purchase and installation of Patient Booms and accessories in the new Intensive Care Unit, which is currently being constructed by Glen/Mar Construction.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Department of Veteran Affairs, VISN 21, is tasked with supporting the acquisition of twelve (12) patient booms for its newly constructed Intensive Care Unit. The estimated value of the requirement is \$675,000.00 and will be delivered in 150 days.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - () (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - (X) (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 requirement is being obtain as a logical follow-on to the construction of VA261-15-C-0138 ICU Relocation project to avoid any substantial duplication of costs, as the contractor is fully aware of the utility locations (to include oxygen and medical gas), mount locations and construction, and is fully responsible for the warranty of the area in which the booms are to be installed. This logical follow-on will also avoid any unnecessary delays, whereby allowing the ICU relocation project to progress while incorporating the installation of the booms. This will also avoid cross contamination of the space among multiple contractors, whereby avoiding conflicts with safety issues, damage to property, quality, quantity and delivery, whereby eliminating delays and potential claims against the government.

- 6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** While there are other contractors in Vetbiz.gov, a determination that only one SDVOSB concern available to meet the requirement is not required per the authority cited in paragraph 5. A notice of award will be publicized IAW FAR Part 5.2.
- 7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The Boom equipment has specific list pricing, and the installation of the booms will be covered as construction labor under posted Davis Bacon Wages. Therefore, the VA will be able to develop a solid Independent Government Estimated based on the publicly available information. The current Independent Government Cost Estimate is a rough order of magnitude, and is considered accurate and applicable based on current work performed at project site under current contract as well as previous contracts for similar work.
- 8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Requirement was previously solicited in August 2017 under VA261-17-Q-0970, and there were several interested SDVOSB's. However, a conflict was clear and apparent with the sharing of the space during the scheduled site visit for the solicitation. Due to the problem, and the need to work through the issues. Solicitation VA261-17-Q-0970 was cancelled in its entirety until a better acquisition process could be developed for the requirement.
- 9. Any Other Facts Supporting the Use of Other than Full and Open Competition:**
N/A
- 10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

Skytron
Aimco
- 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:**
There are no barriers to standard competition. However, typically, equipment is purchased as a replacement of old dated equipment and technology. However, in this instance, we are creating a new space, and the equipment did not exist, and is therefore a different condition. Future endeavors may incorporate the equipment as part of the new space.
- 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.

Charee Harris
Contract Specialist, NCO 21

Date

13. Approvals in accordance with the [VHAPM Part 806.3 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.

_____	11/3/2017
Megan Barr	_____
Contracting Officer	Date

- b. **One Level Above the Contracting Officer (Required over\$150K but not exceeding \$700K)**: I certify the justification meets requirements for other than full and open competition.

_____	11/7/2017
Brett Vegeto	_____
Construction I, Branch Chief	Date