

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA262-18-AP-1612

Contracting Activity: Department of Veterans Affairs, VISN 22:

Department of Veterans Affairs
Network Contracting Office 22
4811 Airport Plaza Drive
Suite 600
Long Beach, CA 90815

Department of Veterans Affairs
VA Long Beach Healthcare System (VALBHS)
Building 161
5901 East 7th Street
Long Beach, CA 90822

Transaction No.: 600-18-1-5667-0077
Contract No.: 36C26218P0768

1. Nature and/or Description of the Action Being Processed:

This is an emergency requirement on a firm fixed price basis.

FAR13.5 Simplified Procedures for Certain Commercial Items:

Bldg.161 has two operating Linear Accelerator Machines used for treating cancer patients. During normal operations, these machines generate ample amount of heat. These linear accelerator machines require constant cooling for the machines to function properly. Losing the chilled water supply to either one of these machines would adversely impact patient care and treatment. Moreover, the patient treatment schedule would need be canceled and the patients would need to go to another hospital to seek treatment. One of the Linear Accelerator Chillers is broken and needs to be replaced. The work to be performed shall be in accordance with the Statement of Work.

In accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements in which 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.

2. Description of Supplies/Services Required to Meet the Agency's Needs:

This procurement is for the Emergency repair and replacement of the Linear Accelerator Chiller for Building 161, VALBHS.

3. 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;

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Sole Source Justification Format >\$150K

- () (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;

FAR13.5 Simplified Procedures for Certain Commercial Items: The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

4. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Unusual and Compelling Urgency FAR 6.302-2: This acquisition is being conducted under an urgent and compelling need in accordance with FAR 13.106-1(b)(1)(i) and FAR Subpart 13.5. Bldg.161 has two operating Linear Accelerator Machines used for treating cancer patients. During normal operations, these machines generate ample amount of heat. These linear accelerator machines require constant cooling for the machines to function properly. Losing the chilled water supply to either one of these machines would adversely impact patient care and treatment. Without the cooling water, a veteran's scheduled cancer treatment would need to be canceled thus the veteran would lose valuable time waiting for another appointment at a different facility for much needed treatment. Accordingly, the replacement of the Linear Accelerator Chiller is hereby deemed an urgent and compelling need.

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

Ekno Supply, LLC is a verified Service Disabled Veteran Owned Small Business (SDVOSB).

6. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:

A query of FPDS using NAICS 238220, PSC J041, and keyword Chiller, produced a plethora of results with vast varying prices. The price varies based upon the make and model of the chiller as well as the repairs needed. The following are for Chiller maintenance:

VA263-15-C-0157 - \$180,660.00
VA256-17-P-0578 - \$186,000.00
VA248-P-1240 - \$141,460.00

Based on the foregoing, Ekno Medical Supply, LLC's price of \$159,850.00 is deemed to be fair and reasonable.

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

The contractor that will be performing the emergency repair is a Service Disabled Veteran Owned Small Business (SDVOSB). Previous Heating, Ventilation and Air-Conditioning (HVAC) contracts have been total SDVOSB set-asides. Accordingly, if this procurement were not an urgent and compelling need, market research indicates this requirement would most likely had been an SDVOSB set-aside.

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
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8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

None

9. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**


None

10. **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:**

Meeting with VA facilities to work with them on identifying maintenance issues prior to equipment failure especially when equipment failure may adversely affect Veteran's medical treatment.

11. **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.

- 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.



BRIAN VAN ORMAN
Contracting Officer

11/15/17
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.



STEPHEN Y. KWAK
Acting Chief, Services Team 1

11/15/17
Date