

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

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

Acquisition Plan Action ID: VA252-18-AP-2482

1. **Contracting Activity:** Department of Veterans Affairs, NCO 12, Great Lakes Acquisition Center. Request 537-18-25-6111-0277 was submitted by VISN 12, Jesse Brown VA Medical Center (VAMC).
2. **Nature and/or Description of the Action Being Processed:** This procurement is for emergency repair services of the Emergency Room (ER) coils and associated heating systems 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.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Jesse Brown VAMC requires the immediate replacement of the reheat coils, steam reheat coil, and associated equipment to the ER air handling unit (AHU). The contractor shall provide all tools, materials, components, labor and supervision for service to replace the existing damaged coils with functioning coils.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 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).
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 acquisition is being procured under other than full and open competition due to an unusual and compelling urgency. During the December 2017/January 2018 timeframe the heating systems for the Jesse Brown ER failed, leading to unstable temperatures and humidity in the ER. As a result the ER was closed, and Jesse Brown was unable to provide emergency care to our Veterans. These systems must be repaired immediately to ensure the temperature and humidity in the ER are within range and stable. Jesse Brown has currently relocated the Emergency Department to another area of the hospital and the facility is on Emergency Medical Services bypass (not accepting ambulance emergencies) due to this equipment failure. These repairs directly support patient care, and are immediately required to allow the Jesse Brown VAMC to provide full emergency services to our Veterans.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Due to the urgent and compelling nature of this acquisition, the Government has determined that there is insufficient time to solicit multiple vendors. The facility identified a vendor that was on site with the required knowledge and experience to perform the work.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The facility has sufficient knowledge of the work required to perform an in depth cost

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

analysis and conduct a price reasonableness determination in accordance with FAR 13.106-3(a)(2)(ii), (iv), (vi), and/or (vii). Should the initially proposed price appear to be unreasonable, the Contracting Specialist and Contracting Officer will engage in hasty negotiations to reach a fair and reasonable price.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** See P02 – Market Research Report for a full account of all market research performed. Due to the urgent nature of this acquisition, limited market research was performed.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The immediate repairs of the Jesse Brown VAMC ER heating systems are required to regain full functionality and allow the facility to provide the emergency medical services our Veterans require.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No sources have expressed in writing an interest in this acquisition.
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:** The agency may consider establishing an indefinite delivery, indefinite quantity (IDIQ) type contract or Blanket Purchase Agreement (BPA) to cover emergency repairs.
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.

Roger Richardson
Facility Contract Coordinator
Jesse Brown VAMC

1-26-18

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.

Paul M. Seivert
Branch Chief
NCO 12

1/26/2018

Date

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- 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.

Scott A. Ivy
Division Manager
NCO 12

1/26/2018

Date