

Attachment A: Request for Limited Sources Memo Format

LIMITED SOURCES JUSTIFICATION
ORDER >\$3,000
FAR PART 8.405-6 (a) (B) & (b) (2)

2237 Transaction # or Vista Equipment Transaction #: 646-11-4-622-0341

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source: Provide original manufacturer's name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: Contractor – Haworth, Inc.

Manufacturer/Contractor POC & phone number: Phil Todd - 616-393-1069

Mfgr/Contractor Address: One Haworth Center, MC 2C-1, Holland, MI 49423

Dealer/Rep address/phone number: Burke and Michael – Val Sowa - 412-321-2301 Ext. 20

☒ The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

VA Pittsburgh Healthcare System

1010 Delafield Road

Pittsburgh, PA 15215

VISN: 4

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

Limited Source Justification, I.A.W. FAR 8.405-6 (a) (B) and (b) (2)

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

Furnish and Install Haworth, Inc. Systems Furniture

Haworth, Inc. Part Numbers being purchased:

SPLD-8436 - Qty 2

SPLK-2382 – Qty 2

E2MP-278-B – Qty 2

TARA-2340-LJSNCE – Qty 1

LFSS-530-LD0HX – Qty 1

JSPY-0530-S1 – Qty 2

WUDD-2442-LTSC – Qty 6

- (b) ESTIMATED DOLLAR VALUE: \$4,941.53 (Made up of Haworth, Inc. Price - \$3,744 & Burke and Michael Price - \$1,198).
- (c) REQUIRED DELIVERY DATE: 77 days after receipt of Order.

(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE. (CHECK ALL THAT APPLY AND COMPLETE)

☒ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

It is essential to the government's needs, to purchase Haworth, Inc. Systems Furniture, since the Government already has existing similar Haworth, Inc. furniture, and needs additional furniture to fit with this existing furniture, and must purchase and have installed, the Haworth, Inc. brand furniture listed by part number below, since only the Haworth, Inc. furniture being purchased will fit together with the existing Haworth, Inc. furniture. (See email from Robert Madaras in the Contract File under P03 of the Purchase Request Action Briefcase).

In addition, it is essential to purchase the items from Haworth, Inc., since they have offered pricing for the items that need to be purchased, which they have claimed are lower than what their authorized reseller's cost is to purchase the items for resale from Haworth, Inc., and therefore, lower than what any other Haworth, Inc. authorized reseller, including those who Haworth, Inc. authorizes to sell on their GSA FSS Contract, can offer, allowing the Contracting Officer to reasonably assume that no other GSA Contractor can offer a lower price and/or would be willing to provide a Quote, being they would be losing money.

In addition, while conducting Market Research, the Contracting Officer obtained feedback from two other GSA Contractors who are authorized resellers for Haworth, and they both indicated they would not quote being they could not offer a lower price off their GSA Contract, than what Haworth, Inc. can offer. Therefore, the Contracting Officer considers there to be only One Responsible Source who can provide the Best Value to the Government, and will not solicit three Quotes from other GSA FSS Contractors for this reason. (See emails from Phil Todd of Haworth, Inc. and from two other GSA Contractors, in the Contract File under P03 in the Purchase Request Action Briefcase).

☐ A patent, copyright or proprietary data limits competition. The proprietary data is:

☐ These are "direct replacements" parts/components for existing equipment.

☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

☐ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

Per FAR 8.8.404 (d), the Order represents the Best Value, since it was placed I.A.W. procedures at 8.405. In addition, the manufacturer, who has a GSA Contract, has provided a price that is lower than their GSA List Price and lower than the Independent Governments Estimate (Purchase Request Amount), and one less than what any other re-seller of their items on GSA can offer.

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

The items are sold on GSA and are made available for commercial sale for nongovernmental use, and therefore considered to be a Commercial Item.

Furthermore Market Research was conducted where two other GSA FSS Contractors who are resellers for Haworth, Inc., were contacted and informed that Haworth, Inc. informed the Government they could offer a price that is lower than their GSA resellers cost and lower than their resellers could offer, which both GSA resellers responded by indicating they would not quote based on this.

In addition, a Notice of Intent to Sole Source will be posted to Fedbizopps for 3-5 days, to ascertain whether any of the other GSA Contractor resellers for Haworth, Inc., could offer as low of a price, that would refute this Sole Source award claim, based on manufacturer lowest price reasoning. However, the no quote feedbacks from two

other GSA Contractors that were received already, essentially could be considered to fulfill the requirement to solicit at least three Quotes from Schedule Contractors.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

Furthermore, it is essential that the Contractor awarded this Contract use Burke and Michael to perform the delivery and installation of the Haworth, Inc. furniture items being purchased, and Haworth, Inc. is using Burke and Michael to perform these services.

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

N/A

(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

SIGNATURE

DATE

Robert Madaras

Interior Designer

FMS

NAME

TITLE

SERVICE LINE/SECTION

VAPHS University Drive

FACILITY

(10) APPROVALS IN ACCORDANCE WITH FAR 8.405-6(h):

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

CONTRACTING OFFICER'S SIGNATURE

DATE

Ronald Mazzei

HJ Heinz

NAME AND TITLE

FACILITY

HIGHER LEVEL APPROVAL (For orders over \$500,000): ☐ REQUIRED ☐ NOT REQUIRED

b. **QA OFFICER:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief. **This signature may be the VISN NCM/PCM if the Contracting Officer and Contracting Supervisor is the same individual.*

SIGNATURE

DATE

NAME AND TITLE

c. **NCM/DESIGNEE:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



SIGNATURE



DATE



NAME

VISN X NCM