

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

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)
For
Other Than Full and Open Competition (>SAT)

Acquisition Plan Action ID: VA246-18-AP-8034

1. **Contracting Activity:** Department of Veterans Affairs, VISN 06, Fayetteville VA Medical Center (VAMC). Purchase Request number: 565-18-3-5063-0016
2. **Nature and/or Description of the Action Being Processed:** The action being reviewed and approved is for brand name new cameras and digital recorders for the partial upgrade of the facility wide existing Closed-Circuit Television monitoring system. The acquisition uses brand name descriptions to specify a particular brand name, product, or feature of a product, peculiar to one manufacturer and does not provide for full and open competition. See statement of work (SOW) for detailed list of all items. The action is planned to be set aside to SDVOSB and awarded as a new firm-fixed-price open market contract.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for the installation of brand name new cameras and digital recorders 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:** Fayetteville VAMC is requesting a firm-fixed-price award for the installation of brand name new cameras and digital recorders. The installation work required is a partial upgrade of an existing analog video surveillance system to a new IP-Based, High Definition, Megapixel Video Surveillance System at the Veterans Affairs Medical Center (VMAC) in Fayetteville, North Carolina. The system shall consist of a total of (109) new high definition cameras throughout the facility (81 new interior 2-megapixel HD ceiling domes cameras and 28 new exterior 1080P PTZ IP DOME 30X D/N). The estimated value is \$443,000.00. The estimated delivery and performance will take about 3 months after receipt of award.

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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;
- ☐ (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;


IAW 41 USC §3304(a)(1), as implemented by FAR 6.302-1. (a) (2) (ii) Full and open competition need not be provided for when the agency's need is for a brand name commercial item for authorized resale.

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).

- 5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Each Item is specified by its product code and description in the statement of work. The cameras and recorders requested need to be brand name so that they are compatible with the current existing Closed-Circuit Television monitoring system at the Fayetteville VAMC. Similar or equivalent equipment may not properly interface with the VAMC's system, and may create several systems verses one major operating system. The technical experts at the Fayetteville VAMC have confirmed the specific type of brands (Pelco, Vicon Net, and Valerus) are standard within the Fayetteville VAMC enterprise, to include their CBOCs and Healthcare clinics. The use of brand name descriptions in the acquisition is essential to the Government's requirements, thereby precluding consideration of a product manufactured by another company.
- 6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A VIP search was done to ensure that offers are solicited from as many SDVOSB potential sources as practicable under the circumstances. This action was successful. See market research in section 8 below.
- 7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The CO anticipates the firm-fixed-price to the government will be fair and reasonable based on competition.

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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 pursuant to FAR Part 10, the Class Deviation – Implementation of the Veterans First Contracting Program as a Result of the U.S. Supreme Court Decision (Class Deviation – Veterans First Contracting Program (VFCP 2016), VHAPM Part 810.001, and PPM 2016-05. A current check of VIP was performed on 5-17-18. The Vendor Information Pages (VIP) database was reviewed in accordance with VAAR Class Deviation 810.001-70 to determine if two or more service-disabled veteran-owned businesses (SDVOSBs) and veteran-owned small businesses (VOSBs), in the appropriate NAICS code, were listed as verified in the VIP database. The CO recorded the VIP queries by printing the result of the search(s) along with the specific query used to generate the search(s). All documents were placed in the eCMS briefcase of the contract file. As a result of the VIP search, at least 4 SDVOSB matches were found. CO called two of the SDVOSBs, Optimum Low Voltage LLC and SLLS, LLC via phone who confirmed that they can provide the brand name products and CCTV upgrade service via open market. All companies were found under the NAICS: 561621, Keyword: CCTV, and territory: NC. Therefore, IAW Public Law 109-461 (38 U.S.C. 8127), the "Rule of Two" applies.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** NA
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** CO received a phone call and an email on 5-22-18 from Keith A. Fuquay, Government Business Development Manager for Johnson Controls who merged from SimplexGrinnell, the suggested vendor. He stated their SDVOSB team, Davco Services Inc., can provide the requested service. Unfortunately, Davco Services Inc. does not fall under the NAICS code 561621 being used for this requirement.
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:** No actions are planned, since this Closed-Circuit Television monitoring system already exist and there is adequate competition amongst SDVOSBs.
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.


Stephen R. Connor
Chief of Police
Fayetteville VA Medical Center

5-23-2018
Date

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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.

Melisha Evans 413046

Digitally signed by Melisha Evans

413046

Date: 2018.05.23 13:25:31 -04'00'

Melisha Evans
Contract Specialist
NCO 6

Date

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

Jay James, Contracting Officer
Branch Chief, Commodity Supply Team 4
NCO 6

Date

5-23-18-