

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 04, Philadelphia Medical Center
2. **Nature and/or Description of the Action Being Processed:** The proposed action will be a firm-fixed price contract to purchase and deliver a spare York Control Panel and a York Variable Speed Drive. These items are needed as back up in case of an emergency due to equipment failure.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Philadelphia VAMC requires the following BRAND NAME items be purchased: 1) Chiller Control Panel for a York Model YK Centrifugal Chiller; 2) A Variable Speed Drive, model MVVSD0900RK-84 for a York Model YK Centrifugal Chiller.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
  - ( X ) (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;
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 is a Brand Name Only requirement. The needed items of equipment, York Optiview Control Panel and York 4160V Variable Speed Drive, MVVSD0900RK-84 are exact equipment replacements for the chiller currently in use at the Philadelphia VA. An item from any other manufacturer will not fit properly in the existing space and will not allow the chiller to operate properly.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A solicitation will be posted to FedBizOpps a a brand name requirement, seeking competition from those that are authorized to distribute and sell the York/Johnson Controls brand items.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Fair and reasonable offers are expected for this requirement.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** An informal quote was obtained from Johnson Controls, and a Sources Sought notice was posted to FedBizOpps. Emails were also sent to four vendors that previously submitted offers for another York requirement for the Philadelphia VA.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None

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

Johnson Controls

AEONRG, LLC

ATI Group, Inc.

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:** At this time, only the brand name requirement will meet the needs of the agency due to the need for exact replacement.

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.

Ahmed Hassan  
Ahmed Hassan, Engineer

6/7/18  
Date

13. **Approvals in accordance with FAR 6.304**

- a. **Contracting Officer's Certification: (required)** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

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Andrea Aultman-Smith, Contracting  
Officer, NCO4, Hybrid 1

\_\_\_\_\_  
Date

- b. **One Level above Contracting 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 if the Contracting Officer and Contracting Supervisor is the same individual.

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Dianne Smith, Division 2 Chief, NCO4

6/7/2018

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Date