

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval (J&A)**  
**For**  
**Other Than Full and Open Competition (>SAT)**

**Acquisition Plan Action ID:** VA244-18-AP-4327

1. **Contracting Activity:** Department of Veterans Affairs  
Network Contracting Office 4  
1700 South Lincoln Avenue  
Lebanon, PA 17042  
Purchase Request #: 693-18-2-539-0040
2. **Nature and/or Description of the Action Being Processed:** The action is a firm-fixed-price contract to provide the Wilkes-Barre VA Medical Center (VAMC) maintenance and repair elevator services. This procurement is 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 Wilkes-Barre VAMC has a requirement for elevator repair and maintenance services at its facility located at 1111 East End Blvd, Wilkes Barre, PA 18711. The services include responding to entrapments, repairing elevator cars when they are out of service, and maintaining elevator cars to ensure safe and consistent service. Also, performance of 1, 3, and 5 year tests (as applicable) are required while witnessed and inspected by a third party independent inspector. There are also several special projects that are part of this maintenance and repair requirement. These are specific to repairs needed to the elevators at the Wilkes-Barre VAMC and are required for them to be fully operational, to pass the test and inspection by a third party independent inspector, and/or make needed repairs that are outside or normal wear and tear. The total estimated amount of this action is \$ [REDACTED], which includes maintenance services, anticipated special requirements and FAR 52.217-8 option. The Period of Performance is June 20, 2018 – December 19, 2018.
4. **Statutory Authority Permitting Other than Full and Open Competition:** FAR Subpart 13.5 used in accordance with 41 U.S.C.1901.
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The source is Schindler Elevator Corporation ("Schindler"), 6330 Hedgewood Drive, Allentown, PA 18106-9268. The Wilkes Barre VAMC had a contract for maintenance and repair services in place with another vendor. In the beginning of 2018 (specifically, January and February), there had been many performance issues with said vendor. Thereafter, however, performance improved. As such, the Government intended to exercise the next contract option year.

In May 2018, a third party independent elevator inspector was at the Wilkes-Barre VAMC to witness and inspect the previous vendor conduct the necessary tests required under the applicable AMSI standards. The inspector was very concerned about the vendor's ability to perform and contacted the Government regarding same. In addition, the performance issues that had occurred earlier in

2018 started to re-occur again. At that time, the Contracting Officer determined that the option year could not be exercised as the current vendor's performance was no longer satisfactory.

At that time, there was approximately three (3) weeks until the current contract expired. Due to the significant scope requirements, and the limited availability of vendors in the area that could meet the contract requirements, it took this amount of time to gather the necessary documentation, obtain customer approvals, and negotiate with the new contractor. The previous contract expired on Monday, June 18, 2018, and the new contract was awarded to Schindler on Wednesday, June 20, 2018.

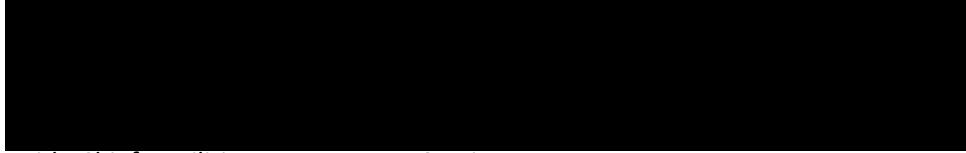
Elevator repair and maintenance services are essential to the Wilkes Barre VAMC. In addition to the need for routine maintenance and repairs, the Wilkes Barre VAMC has need for a contractor to be immediately available for service calls should an elevator stop working and entrapments. The normal response in the commercial marketplace for an elevator company to respond to an entrapment is four (4) hours. The VAMC has a contractual requirement for one (1) hour response time for entrapments. This is because there could be Veterans with PTSD inside an elevator that is entrapped. There could be Veteran patients on their way to critical medical care.

Although other potential sources may exist which can meet the requirement of providing elevator maintenance and repair services to the Wilkes Barre VAMC, the Government would need to locate vendors that are interested and capable of meeting the requisite facility response time requirements. Due to the ongoing needs of and safety concerns for the Veteran beneficiary population, there can be no break in or degradation of the elevator services. The services need to continue, without disruption, to ensure patient care and employee safety. A disruption in services could result in increased health risks and possible serious injuries to veteran and employees at the Wilkes Barre VAMC.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This action was not synopsisized on the [www.fbo.gov](http://www.fbo.gov) website IAW FAR 5.202(a)(2). Mission needs and elevator service requirements of the Wilkes Barre VAMC required immediate procurement so as to minimize any disruption. Presently, Schindler is the only source that could meet the Government's need on an urgent basis. The requirement represents the Government minimum and a long-term contract will be re-competed with an anticipated award date of next fiscal year. Market Research is being performed for this follow-on contract to ensure that offers are solicited from as many potential sources as deemed practicable.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer will determine price reasonableness IAW FAR Part 13.106-3.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** As stated in paragraph #6 above, the Government did not conduct market research for this action. The Government will conduct market research for the competitive, follow-on effort.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** See paragraph #5 and #6 above. A competitive, follow-on contract will be awarded at the end of this bridge contract.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Since this contract was awarded on an urgent and compelling basis, no sources expressed interest in this acquisition. See paragraph #6 above.

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:** See paragraph #6 and 8 above.

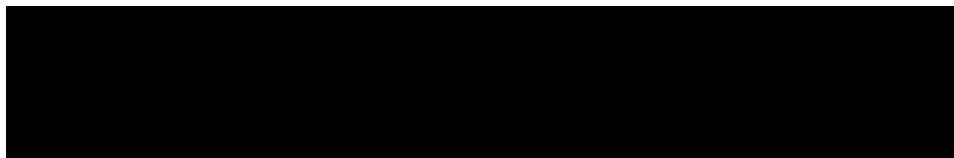
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.



Title Chief, Facilities Management Service  
Facility Wilkes Barre VAMC

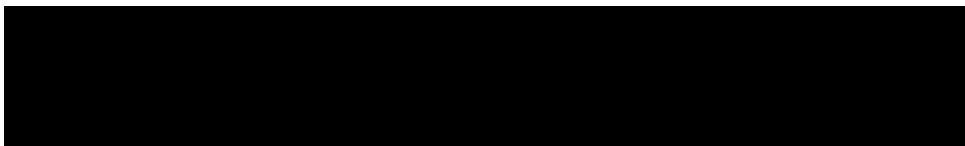
13. **Approvals in accordance with the [VHAPM Part 806.3 OFOC SOP](#):** *This part if filled out by Contracting Staff as part of the Justification*

- 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.



Title Contracting Officer  
Facility NCO 4

- 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.



Branch Chief, Services 1 (Plant Services)  
Facility NCO4