

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA249-18-AP-5935

1. **Contracting Activity:** Department of Veterans Affairs, VISN 9, Memphis VA Medical Center. 2237: 614-19-1-5069-0007.
2. **Nature and/or Description of the Action Being Processed:** The Memphis VA Medical Center has a requirement for preventive maintenance, testing and calibration for 4 Hays Cleveland boilers that use UPAC Hayes Cleveland boiler controls at the Veterans Affairs Medical Center, 1030 Jefferson Ave, Memphis, TN 38104. 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:** This is a FFP contract requested by the Engineering Department to provide services to the VAMC Memphis, TN. Services include the maintenance, testing and calibration of the Hays Cleveland boilers that use UPAC Hayes Cleveland boiler controls on a semi-annual basis. The facility leadership requires the services to begin October 01, 2018 through September 30, 2019 with four (4) option years. The estimated value of the proposed action is \$322,709.00.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(1), as implemented by FAR 6.302-1.

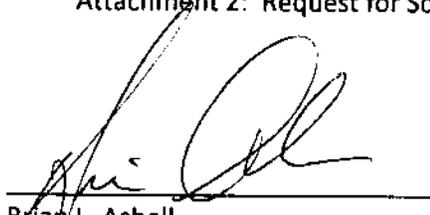
- (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- () (2) Unusual and Compelling Urgency per FAR 6.302-2;
- () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- () (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;

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.

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 company certified that Flame Logic, a division of Harry J. Jones Plumbing and Heating CO, Inc., is the only factory authorized service center for Tennessee certified to perform maintenance on the Hays Cleveland equipment. Hays Cleveland supplied a sole source letter attesting to this fact.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Intent to Sole Source, 36C24918Q9669, posted on 9/5/18 with one response asking why the procurement is not to a veteran business, however, no capability statement was provided. No other responses were received. VIP and DSBS searches did not reveal any SDVOSB/VOSB or small businesses capable of performing this requirement. Hays Cleveland is the Original Equipment Manufacturer of these boilers and has stated that Flame Logic is the sole service center to perform maintenance on this equipment.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The estimated cost to the Government is considered fair and reasonable due to comparison with historical pricing. The COR estimated testing and repairs overhead, materials and service, and labor costs when generating the five-year Independent Government Cost Estimate (IGCE).
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A search of VETBIZ under NAICS 811219 in TN and using keywords “boiler controls”, “Hayes Cleveland” and “Flame Logic” yielded zero results. Similarly, a SBA Dynamic Search engine (SBDS) search using the same parameters produced zero results. A Sources Sought notice, 36C24918Q9669, was posted with one response asking why the procurement is not to a veteran business, however, no capability statement was provided. No other responses were received. Harry J. Jones Plumbing and Heating CO, Inc. SAM certification was verified, and the company is verified as a small business in the SBDS.
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:** H Harry J. Jones Plumbing and Heating CO, 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:** The Hays Cleveland equipment was purchased by Harry J. Jones Plumbing and Heating CO, Inc. through Flame Logic, the only authorized distributor. The equipment is in good condition and expected to be operational for many years per the COR so a five year maintenance contract is requested. The Government could research and purchase new boilers and controls that may be serviced by any company in the future to overcome barriers to competition, however, the expense would be considerable.
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.

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



Brian L. Asbell
Boiler Plant Supervisor
VAMC Memphis

9/11/18

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.

Christina B. Smith
Contracting Officer
NCO 9

9/12/2018

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.

Name
Charles W. Worsham
Branch Chief, Services Team West
NCO 9

Date