

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

Upon the basis of the following justification, I, as **Contracting Officer** hereby approve the use of other than full and open competition of the proposed contractual action pursuant to the authority of 41 U.S.C. 253(c)(*).

Identification Number: 36C10F18R0665

1. Identification of the agency, contracting activity, and specific identification of the document as a justification for other than full and open competition.

The Department of Veterans Affairs, Contracting Office, proposes to enter into a contract on a basis of other than full and open competition for CFM

2. The nature and/or description of the action being approved, i.e., sole source, limited competition, establishment of a new source, etc.

Single Source of supply.

3. A description of the supplies or services required to meet the agency's needs.

- One (1) Evapco Cooling Tower (Tagged: CT-5)
- Model USS 114-3P24
- Cooling tower shall be all 304 stainless steel construction
- 460/60/3 Voltage
- Inverter duty fan motor 60HP
- 3-probe water level controller
- Safety platform with aluminum ladder and safety cage
- Vibration cutout switch
- Removable stainless steel basin strainer
- 12" equalizer connection
- 0.001% drift rate
- Mechanical float type water level controller
- 5 year motor and belt drive warranty, 1 year standard parts warranty on all other parts
- Startup
- Freight

4. The statutory authority permitting other than full and open competition.

The statutory authority permitting other than full and open competition is 41 U.S.C.253(c)(1)(or 10 USC 2304(c) (1)) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

5. A statement demonstrating the unique qualifications of the proposed contractor or the nature of the action requiring the use of the authority.

N/A

(Alternative to #5 - applicable for brand name products). A demonstration of any brand name product's unique attributes: an explanation of the proposed brand name item(s) unique qualifications and why no other similar item will suffice.

EVAPCO is uniquely qualified based upon the following:

Brand Name - Per FAR 6.302, *Circumstances permitting other than full and open competition*, and as required by FAR 6.302-1, *Only one responsible source and no other supplies or services will satisfy agency requirements*, this brand name is sole sourced because it is essential to meet the needs of the Las Vegas VA Medical Center (VAMC). The VAMC currently has a total of five cooling towers where four of the five are of the same brand. Research and failed modifications to remedy the current outstanding issues have not met the needs of the VAMC as the fifth cooling tower continues to fail and is currently inoperable. The VAMC is familiar with the maintenance and where to obtain parts for the source brand. Sole sourcing the new tower would greatly reduce those costs as it is imperative for patient safety they have consistency and reliability in operations.

Compatibility to Existing Systems or Equipment – Based on the performance of the fifth tower it has been determined, by thorough evaluations of the inoperable tower, that the replacement tower must be compatible and identical (form, fit and function) to the existing four tower systems, controls and equipment. It has also been determined the source is uniquely qualified to meet the requirement.

6. A description of efforts to ensure that offers were solicited from as many potential sources as is practicable.

The below stated language was issued on FBO identifying a brand name/ model number in accordance with FAR Part 5.

This will be a two-phase design/build project to replace the failing one (1) Cooling Tower Replacement induced draft cooling towers with similar one (1) tower with same design/capacity, with VFD controller. The General Contractor

shall perform a design-build, acquire and install a new Evapco cooling tower, associated controls and one (1) balance valve at the Central Utility Plant. The reconfigured tower elevation is to be designed to be compatible with the four existing Evapco cooling towers Model USS 114-3P24. The water flow to the new tower is to perform at a capacity that is concurrent with the existing towers. The General Contractor will be responsible for providing all necessary testing, balancing and commissioning of the new tower and associated items. The new cooling tower will ensure efficient plant operations through the range of operating conditions at the facility. The work will be performed at the VA Southern Nevada Healthcare System, at 6900 Pecos Rd, North Las Vegas, NV 89086. Interested firms should provide sufficient information to allow informed evaluation and decision to ascertain if there is enough competition to solicit this requirement as an SDVOSB. The estimated cost range is Between \$250,000 and \$500,000. The NAICS code for this service is 238220. The Small Business Size standard is \$15 MILLION. Please respond to the following questions by 4:00PM on June 18, 2018. Failure to answer any of these questions may result in your firm not being considered as part of this market research. (1) Examples of design/build projects completed within the last five years of similar size, scope, complexity and duration as the work indicated. State whether your firm worked as a prime or subcontractor, contract value, brief description of how the referenced contract relates to the work described, and provide an agency or owner point of contact. (2) Provide a company profile, to include number of employees, annual receipts, office location(s), and DUNS number. (3) Evidence to establish your company's standing as an (SDVOSB) small business concerns, under applicable NAICS. (4) A positive statement of your intention to submit a proposal for this requirement if set-aside for your socio-economic group. **THIS IS NOT A REQUEST FOR PROPOSALS.** Responses must be received no later than 4:00 PM, Local Time on June 18, 2018. Electronic submissions will be accepted if sent via email to Dominik.Gammon@va.gov Questions regarding this notice may be addressed to Dominik.Gammon@va.gov. Failure to submit all information requested will result in a contractor not being considered as an interested small business concern. The construction cost estimate for this project shall not be used as a basis for the Consultant's.

7. The anticipated dollar value of the proposed acquisition, including options if applicable, and a determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

The Contracting Officer determine that the anticipated cost is fair and reasonable. Prior acquisition history that will helped the acquisition team in estimating cost incurred based on the scope of work. The extent of market research conducted changed due SOW with call for a specified source of supply. The Contracting Officer depending on such factors as cost, complexity, past experience, and urgency of need. The brand name has proven to provide excellent reliability and user interface. The required Brand Name is compatible in all aspects (form, fit, and function) with

existing systems or equipment and the source is uniquely qualified to meet the requirement.

8. Any other facts supporting the use of other than full and open competition.

When FAR Subpart 6.302-1 is cited for a follow-on acquisition, as described in FAR

9. A listing of any sources that expressed a written interest in the acquisition.

Market research utilizing a FedBizOpps sources sought announcement will be performed to solicit responses from the public as to the number of SDVOSB capable of performing this type of work and their bonding capacity. The announcement is expected produce interested offers from (4) responses. Due to the scope of work and dollar value of this project (estimated at \$291,275.00) it is in the best interest of the government to set the above stated project asides for SDVOSB only.

10. A statement of any actions the agency may take to remove or overcome any barriers to competition, if subsequent acquisitions are anticipated.

N/A

Certification

The information contained in this justification for other than full and open competition is certified accurate and complete to the best of my knowledge and belief.

Acquisition Initiator:

I certify that the facts and representations under my cognizance, which are included in this justification and which form a basis for this justification, are complete and accurate.

Signature

Date

Contracting Officer:

I certify that this justification is accurate and complete to the best of my knowledge and belief. (Add the following and delete the Review and Approval Section below if this certification is also serving as approval: "Since this effort exceeds \$100K, but does not exceed \$550K, this certification serves as APPROVAL.") (*Cross out sentence if over \$550K*)

Signature

October 19, 2018

Date

Both the technical and requirements personnel are required to certify each justification as to its accuracy and completeness. *By signing the justification the Contracting Officer certifies that the facts and statements made are accurate and complete*
