



**DEPARTMENT OF VETERANS AFFAIRS
National Acquisition Center's
Denver Logistics Center
555 Corporate Circle
Golden, CO 80401**

Date: September 14, 2018

1. Nature & Description of the Action Being Processed:

The proposed acquisition is for a 12-month maintenance and software firm fixed priced contract under FAR Part 6.302-2, Unusual and Compelling Urgency.

2. Description of Supplies/Services Required to Meet Agency Needs:

The proposed acquisition is for a 12-month firm fixed price contract under FAR Part 6.302-2 beginning September 14, 2018 and ending September 13, 2019. The contract value is estimated at \$25,000. The DLC currently has a server cooling unit that has failed, and we have no current maintenance and software contract in place to repair them. This contract will allow for these services to be performed, as well as other critical support for Server software. The contractor has a good history working with the DLC, and is a small business owner. Both the software and maintenance program will support computer Server Functionality, while preventing any downtime in the future due to similar cooling system defects.

3. Statutory Authority Permitting Other than Full & Open Competition:

The statutory authority permitting other than full and open competition is 41 U.S.C. 3304(a)(2) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-2, entitled, "Unusual and Compelling Urgency."

4. Demonstrate that the Contractor's Unique Qualifications of Nature of the Acquisition Requires the Use of the Authority Cited Above:

41 U.S.C. 3304 (a)(2) states the appropriate circumstances when noncompetitive procedures may be used, and asserts, "the executive agency's need for the property or services is of such an unusual and compelling urgency that the Federal Government would be seriously injured unless the executive agency is permitted to limit the number of sources from which is solicits bids or proposals." This procurement is to supply critical maintenance services to repair one cooling system for the server room that supports all computer needs of the Denver Logistics Center. We have had periodic issues with the other two cooling systems, so having this one system out-of-service is problematic for the health of the overall computer system located here at the DLC.

This particular vendor has done work for us in the past, so we believe them to be dependable, and have verified their prices are reasonable. They are also located in the local area, so they can respond to this equipment breakdown quickly, thereby preventing any loss of computer functionality that might adversely affect warehouse ordering and delivery of products.

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5. Description of Efforts Made to Ensure that Offers are Solicited from as Many Potential Sources as Deemed Practicable:

Due to the urgent nature of the breakdown, only one quote was solicited from a previous vendor this location has used. However, at the expiration of this one-year contract, a 100% SDVOSB set-aside will be solicited to garner wide spread competition for the next long-term contract.

6. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

Fair and reasonable pricing has been determined in accordance with FAR 15.402, as well as using market prices, sales to non-governmental entities, and analysis of prior years' service purchases.

7. Description of the Market Research Conducted and the Results or a Statement of the Reasons Market Research was not Conducted:

Market research was not conducted due to the urgent nature of the requirement.

8. Any Other Facts Supporting the Use of Other than Full and Open Competition:

The software this contract encompasses is copyrighted, but is not proprietary in nature. Purchasing from this vendor, who is local, is known to us, and we have confidence in their work. For these reasons, we believe will result in a quicker repair of this critical equipment.

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

Not applicable to this acquisition.

10. A Statement of the Action, if any, the Agency May Take to Remove or Overcome any Barriers to Competition Before Making Subsequent Acquisitions for the Supplies or Services Required:

In the next 3 months, this Contracting Officer will start Market Research to extend the services and software requirements for this equipment.

The intention is to set this aside as a 100% SDVOSB local business to capture the convenience of having a vendor nearby for emergency services.

This market research will include an RFI and RFP that will be published on the Governmentwide Point of Entry, www.fedbizopps.gov.

11. 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 as included in the justification are accurate and complete to the best of my knowledge and belief.

Justification for Other than Full & Open Competition – Critical Facilities

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Jana L. Jarvis

Contracting Officer