

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, SAO West, VISN 18, El Paso Network Contracting Office (258) 5001 N. Piedras St, El Paso, TX 79930 proposes to enter into a firm-fixed price contract on the basis of justification for other than full and open competition for the Department of Veterans Affairs, El Paso VA Healthcare System, 5001 N. Piedras St, El Paso, TX 79930, under purchase request number 756-13-1-6045-0002.
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the procurement for Repair and Maintenance Services. The contract action will be firm-fixed price contract for one year at \$28,870.00. The proposed contractor is Stewart & Stevenson Power Products LLC, 1377 N Horizon Blvd, El Paso, TX 79928-4835. The estimated award date is October 1, 2012.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The requirement is to provide the El Paso VAHCS with services and repairs to meet the regulatory requirement to maintain an operable Emergency Generator Supply System for the safety of patients, visitors, and staff. The system is required to remain in a ready condition to sustain essential facility functions should the loss of electrical power occur, and the facility is requesting a "Sole Source" procurement to secure these services and avoid lapse in operability and maintenance of this emergency system. Maintaining a viable system is not only a Regulatory requirement, but also a VA and TJC requirement to sustain emergency operability. This contract will include;

|    |           |   |
|----|-----------|---|
| 3  | Quarterly | Visual Inspections                          |
| 1  | Annually  | Major Preventive Maintenance and Inspection |
| 1  | Annually  | Load Bank Service                           |
| 80 | Hourly    | Emergency Services                          |
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(g), as implemented by FAR 6.302;  
  
  - (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):** Stewart & Stevenson Power Products LLC is the original equipment manufacturer (OEM) for the El Paso VAHCS's Emergency Generator Supply System, and provides these services exclusively in this region as well as others, since they are OEM. No other vendor is available to provide these services. This is a life-safety emergency system that utilizes vendor proprietary language/logic for programmable logic controller (PLC) programming on switchgear.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research was conducted. There is only one source capable of meeting the requirements. Stewart & Stevenson Power Products LLC is the only company that is capable of providing the repair and maintenance services requested. A Sources Sought was issued on GSA eBuy RFQ660270 (03FAC: 811 002) on March 22, 2012 with a closing date of March 29, 2012, there were no interested sellers; this indicates that the item is not an FSS contracted item. In addition, VA258-12-I-0372 was issued on April 12, 2012 with a response date of April 20, 2012, to date, there are no interested sellers. A notice of award will be posted in FedBizOpps.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated price to the Government is \$28,870.00. Pricing techniques as described in FAR 15.404-1 (b) (2), will be used to establish price fairness and reasonableness. The Contracting Officer determines that the anticipated price will be fair and reasonable based on historical price analysis. A search was conducted in the FPDS database to see if other VA Contracting Officers have procured the same items. The result was purchase order VA258-12-P-0279 from VISN 18 for some of the same item priced at \$10,809.98 which includes three quarter visual inspections and one major preventative maintenance and inspection. The quote received during market research for the same services is \$9,799.00. Further results were purchase order VA259-P-1051 from VISN 19 for the load bank testing priced at \$4,637.93 which is \$1,662.43 higher than the current quote. The prices from PO VA258-12-P-0279 and PO VA259-P-1051 are slightly higher than the current quote prices due to a longer contract period, but not substantially different.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** FAR Part 10 directs that market research be conducted on each acquisition appropriate to the circumstances. Preventive maintenance services are only available from Stewart & Stevenson Power Products LLC. This request is not available from a mandatory source or optional supply schedules.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The notice required by FAR 5.201 will be published and any bids or proposals received shall be considered for future requirements. A GSA search did not provide any acceptable vendors.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No sources have responded to the Sources Sought notice posted in eBuy or in FBO.gov.

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 VA is unable to issue this solicitation competitively at this time due to the proprietary nature of the services.

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.

\_\_\_\_\_  
Robert R Snow  
Electrician  
El Paso VA Healthcare System

\_\_\_\_\_  
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.

\_\_\_\_\_  
Carlos Jaquez  
Contracting Officer  
VISN 18, NCO/SAO-West

\_\_\_\_\_  
Date

b. **VISN/PCA QA (Required \$3K and above):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Paulette Pereira  
QA/ Compliance Procurement Analyst  
VISN 18, NCO/SAO-West



\_\_\_\_\_  
Date

c. **NCM/PCM Approval (Required \$3K and above):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval for other than full and open competition.

✓ Sabrina J. Smith  
Network Contract Manager  
VISN 18, NCO/SAO-West

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Date