

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 36C249-19-AP-3177

1. **Contracting Activity:** Department of Veterans Affairs, VISN 09, 626 Nashville VA Medical Center
PR# 626-19-4-4123-2830

2. **Nature and/or Description of the Action Being Processed:**

This is a Justification and Approval for a Sole Source contract to Dunbar Mechanical Contractors LLC. This will be a new contract for a Chiller rental for the requisite Veterans Affairs Medical Center (VAMC). This will be a firm fixed price contract for the Chiller rental for the period of Sept 19, 2019 to Dec 03, 2019.

Estimated Value: \$312,451.98

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

The Nashville VAMC has an emergent requirement to rent a 450-ton chiller for the period of Sept 19, 2019 to Dec 03, 2019. Chiller #2 onsite at the facility has failed and now needs seal replacements. While this chiller is undergoing repairs, a rental chiller is needed to ensure the hospital stays cool and patients do not become over heated. Dunbar is already on site and familiar with the HVAC needs of the facility. They are able to immediately respond to the urgent needs of the hospital to ensure patient care is not impacted.

4. **Statutory Authority Permitting Other than Full and Open Competition:**

- () (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- (X) (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):**

The CO has determined that the anticipated cost is fair and reasonable based on the ICGE and comparisons with pricing from a previously awarded action, 36C24919P0499. Pricing of the previous award was consistent with pricing provided for this requirement.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

OFOC SOP Revision 08

Original Date: 03/22/11

Revision 08 Date: 04/18/2018

Due to the urgent nature of this requirement, limited market research was conducted. VIP was searched under NAICS 238990, keywords: chiller rental. Thirty-four SDVOBs were identified through the search, however time will not permit for the posting of the solicitation.

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:

The CO has determined that the anticipated cost is fair and reasonable based on the ICGE and comparisons with prior acquisitions of the same type.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Due to the urgent nature of this requirement, limited market research was conducted. VIP was searched under NAICS 238990, keywords: chiller rental. Thirty-four SDVOBs were identified through the search, however time will not permit for the posting of the solicitation.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: Due to the emergent nature of this requirement Full and Open Competition is not a strategy conducive to completing this requirement in the time required to meet patient safety needs.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: Dunbar Mechanical Contractors LLC

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:

Market research will be conducted on future acquisitions to obtain other potential vendors to solicit in order to obtain maximum competition and resultant pricing that represents a best value to the government.

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.

Jerry Thompson
TVHS Nashville VA Medical Center

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.

Monica Thompson
Supply Branch Chief
NCO 9

- 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.

Robert Kellner
NCO 9, Division Chief
VISN 9