

## 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 756-13-1-6090-0001.
2. **Nature and/or Description of the Action Being Processed:** This emergency procurement request was received on October 15, 2012, for other than full and open competition for emergency repairs to Elevator #1 which required the replacement of a new governor rope. The contract action will be firm-fixed price contract for \$10,367.00. The proposed contractor is ThyssenKrupp Elevator Corporation, 8370 Burnham Rd Suite 200, El Paso, TX 79907-1521.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The requirement was to provide the El Paso VAHCS with emergency repairs and inspection to Elevator #1 which required the replacement of a new governor rope. The repair also included a safety check to ensure it was compliant with State requirements. The elevators in the El Paso VAHCS had not been maintained properly in over a year and there was a safety concern in continuing to use Elevator #1 for patients, facility personnel, and visitors. As the other elevators in the building began malfunctioning, the repair of Elevator #1 became an emergency that could not wait for the long-term maintenance contract to be solicited and awarded.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(g), as implemented by FAR 6.302;  
  - ( ) (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):** ThyssenKrupp Elevator Corporation is the original equipment manufacturer (OEM) for the El Paso VAHCS's elevators, and provides these services exclusively in this region as well as others, since they are the OEM. No other vendor is available to provide the parts and repair needed in a timely manner. Because of the age of the elevators, other elevator companies would have to order the repair parts needed through

ThyssenKrupp and this would increase the lead time and limit their ability to immediately perform the repairs and safety check needed.


6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The requirement will not be synopsisized in accordance with 5.202 (a)(2), in that this procurement is being conducted under unusual and compelling urgency and the Government would be seriously injured if the agency complies with the time period specified in 5.203. 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:** Pricing techniques as described in FAR 15.404-1 (b) (2), were used to determine the price to be fair and reasonable. The price to the Government at \$10,367.00 is considered fair and reasonable based on historical price analysis. A search was conducted in the FPDS database to see if other VA Contracting Officers had procured similar emergency repair services. The result were purchase order VA246-12-P-2322 from VISN 6 for similar equipment and services priced at \$18,573.00 which included replacement of elevator hoist motor (Parts and Labor) and purchase order VA251-12-F-0555 from VISN 11 for emergency services to include parts and labor priced at \$16,956.00. Therefore, price is determined to be fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted and it led to the decision that the repairs required to the elevator could not be done using GSA schedules and no other vendor was able to repair the elevator because only the OEM (ThyssenKrupp) was able to make the repairs in a timely manner to comply with the urgent and compelling circumstances.
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:** None.
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 was unable to issue this solicitation competitively due to the urgent and compelling nature of the procurement. However, the facility has submitted a complete procurement package through the planning module for the long-term (base plus four options) contract, and contracting will issue the solicitation competitively in order to ensure the elevators are maintained properly and avoid the need to repair the elevators in an emergency sole source environment.
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.

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

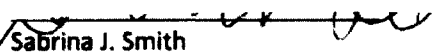
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Date

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

  
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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.

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

  
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Date