

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION DUE TO SOLE SOURCE REQUIREMENT

| REQUIRED INFORMATION |
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| 1. FACILITY NUMBER-NAME- CITY, STATE: <i>00618 Minneapolis VA Health Care System, Minneapolis, MN</i> |
| 2. VISN OR PROGRAM ACTIVITY: <i>23</i> |
| 3. POC NAME AND TELEPHONE NUMBER: <i>Michael Reed, Contracting Officer, 612-344-2152</i> |
| 4. PROPOSED ACTION: Sole Source Procurement of COMMODITY |
| <p>5. DESCRIPTION OF REQUIREMENT: <i>This acquisition is for specific brand name electrical power system equipment: Asco (brand) ATBB30800N5XC (model numbers) transfer switches and Cutler-Hammer (brand) PRL4B and PRL1A(model numbers) electrical panels. These are required for a project to correct deficiencies in the electrical power system on the campus of the Minneapolis VA Health Care System. The switches and panels must be the same as those already installed in the respective buildings, in order to reduce both cost and human safety risks.</i></p> <ul style="list-style-type: none"> • Supplies/Equipment: Technical Characteristics can include, but are not limited to model, make, part number, color, size, quantity, delivery date, etc. Services: Refer to the statement of work, statement of objective, or performance work statement for your description. |
| <p>6. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION: <i>Brand Name</i></p> <ul style="list-style-type: none"> • FAR 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements • FAR 8.405-6 Limited sources justification and approval • FAR 13.106-1(B) SAP Requirements – Soliciting From a Single Source • This is a reference to the part of the Federal Acquisition Regulation that allows an item to be purchased without being fully competed. This statement serves as a point of reference in case the justification is questioned. In this case, it would be reviewed for its relativity to this part of the Federal Acquisition Regulation. |
| <p>7. NATURE & BACKGROUND OF ACQUISITION TO JUSTIFY SOLE SOURCE: <i>This project is part of ongoing efforts to upgrade and improve the electrical power system within the Minneapolis VA Health Care System. The work is critical to patient care and safety, in particular because the original power system designed for the facility is both aging and incapable of meeting the increased demands for electrical power created by high power systems that did not exist when the facility was originally designed. The electrical transfer switches and panels that are to be installed as part of this project MUST match those that are already installed, in order to both reduce costs (spare parts for multiple systems do not have to be maintained) and also to increase staff and contractor safety (by standardizing repair and maintenance procedures). Our intent is to match the existing electrical distribution panels in the medical center and our out-buildings. The medical center currently has approximately 700 electrical distribution panels and another 100 in the out-buildings that are primarily the Cutler-Hammer brand. The medical center electrical staff stocks parts for the Cutler-Hammer brand. The intent of this sole source is to provide new electrical panels that match our building standard and avoid stocking parts for other brands of electrical distribution panels. Stocking one manufacturer's breakers provides a cost savings due to not having to stock as many brands of electrical breakers. In addition, the Cutler-Hammer brand of electrical distribution equipment allows the electrical staff to respond to these electrical panels in an emergency without having to decide which brand of panel needs to be repaired and avoid the electricians from having to locate several brands of parts during emergency repairs. The emergency repair of these panels could result in patient safety during a malfunction if the correct repair parts are not available for installation.</i></p> <ul style="list-style-type: none"> • Describe the minimum salient characteristics that will meet your needs. This is the area where you explain why no other vendor anywhere can supply this requirement for you. Acceptable reasons for "sole source" include (but are not limited to): bound by contract, technical order specification, warranty service, or regional standardization. If the reason for sole source is determined locally, offer what market research or clinical guidelines led to the decision. If this item is included in an allowance standard for War Reserve Materiel |

(WRM), cite the allowance standard, required source, and stock number for this item. NOTE FOR WRM PURCHASES: The Defense Logistics Agency is your primary source for WRM equipment. Be sure to determine availability from a DLA item manager before contracting for WRM equipment. If DLA cannot meet your timelines for WRM equipment, your urgency may be further justification for other than full and open competition. See your Medical Logistics Flight Commander for more details.

8. PROVIDE INFORMATION SHOWING MARKET RESEARCH WAS CONDUCTED: *This acquisition is part of a construction project. The Government is not buying the required components itself, but rather is specifying that the contractor install specific required brand name / model components in accordance with the project specifications. Multiple dealers and distributors offer the required transfer switches and panels. We are not specifying which dealer or distributor is used, but rather only specifying the specific brand and model of the transfer switches and panels (see attached listing of dealers and distributors for the brands we require).*

- This justification is for why no other vendor anywhere can supply your item or service and still meet your needs. Your rationale for barring other vendors is crucial to your justification. If you already cited the statutory reason for a sole source, state, "See paragraph 7". If your rationale for a sole source purchase was determined locally, offer an explanation of the source selection process you went through to determine your sole source requirement. Unacceptable reasons include (but are not limited to) personal taste, good relationship with existing vendor, or one's comfort level with a particular vendor.
- Describe the similarities and differences in vendors for the product that you are aware of that could assist or prevent the purchaser from obtaining the best value for you. Be sure to name the vendors. This section will help the purchaser decide which vendors are available to purchase this item from. If market research was not conducted, state it AND the reason that there was no market research.

9. PRICE ANALYSIS "FAIR AND REASONABLE": *The estimated price for the required brand name components totals less than \$30,000 (for all of the brand name components required). The estimate for this pricing is based on recent project pricing for the same or very similar items. It is considered fair and reasonable based on competitive pricing between multiple resellers (dealers and distributors).*

- This section is mandatory. Do not leave this section blank. Even though this must be purchased from only one source, you must still obtain a quote from the vendor for this purchase. This way you are able to verify added costs for delivery, your geographic region, or installation. Cite the pricing here. If you purchased this item before, compare this price to what you paid last time. Cite this here as well.

10. LISTING OF SOURCES EXPRESSING INTEREST IN THIS REQUIREMENT: *See attached list.*

- Enter or attach contact information for sources you cited in the description of your source selection. If sole source by statute, regulation, or standard, list contact information for that source here.

11. FUTURE ACTION TO OVERCOME BARRIER TO OTFOC: *The electrical system evolves over time, and new technologies are subject to ongoing review. Part of this review involves the consideration of other sources, but at this time the best interests of the Government (and the improvement of patient care, human safety and reduction of cost) are met by sole sourcing (brand / model) these electrical switches and panels.*

- This section fulfills the legal requirement to affirm that the selection of a singular source for this requirement is an anomaly and that action will be taken in the future to ensure full competition in the future. The reason this is needed is to describe how the government will make an effort in the future to fully comply with standard acquisition practices and not resort to creating unnecessary partnerships with few vendors at the risk of barring full competition to circumvent the FAR. By signing this, you are telling the contracting officer to avoid the processes that assure best value and fairness in this acquisition. If the reason for sole source purchase is because of statute, standard, or regulation, enter "THE SOURCE FOR THIS PURCHASE IS REQUIRED IAW [cite the standard here]."

SUBMITTED BY:

Signature: 

Department/Requestor

Date: Jan 30, 2013


SIGNED BY:

Signature: 

Warranted Contracting Officer

Date: 2/1/13

APPROVED BY:

Signature: 

NCM or Product Line Supervisor

Date: 2/1/13

Note: Anything that is over 500K will need to strictly follow the SOP J&A Attachment.