

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval  
For  
Other Than Full and Open Competition**

- 1. Contracting Activity:** The Department of Veterans Affairs, Network Contracting Office (NCO) 23, Nebraska-Western Iowa Health Care System (NWIHCS) Contracting Office located at 4101 Woolworth Avenue, Omaha, NE 68105-1850, is the contracting organization responsible for this Justification for Other Than Full and Open Competition. The purchase request (VA Form 2237) number is 636-13-2-5060-0448.
- 2. Nature and/or Description of the Action Being Processed:** This Individual Justification and Approval (J&A) authorizes the use of Sole Source acquisition procedures for the Department of Veterans Affairs to rent two emergency generators for the NWIHCS-Omaha facility. The action will be awarded as a new Firm-Fixed-Price contract.
- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** The NWIHCS-Omaha VA Medical Center has an emergent need to rent two mobile emergency generators with self-contained fuel storage – one 1000KW generator to support the main hospital and one 230KW to support the Research building for approximately four months until the leaking fuel tank problem can be rectified. This acquisition is anticipated to be awarded not later than April 1, 2013. The Independent Government Estimate for this acquisition is \$96,301.48.
- 4. Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(g), as implemented by FAR 6.302-2, Unusual and Compelling Urgency.
- 5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Monitoring of the fuel tank supplying fuel to the emergency generators at the Omaha VA Medical Center revealed the tank may be losing up to 100 gallons of fuel per week. Due to EPA requirements, the fuel tank was immediately drained to avoid any potential/further soil contamination. These emergency generators provide backup electrical power to all life safety systems within the Omaha VA hospital, including but not limited to Surgery, Emergency Room, Intensive Care and the in-patient med surge units. Without emergency generators in place, these critical hospital support systems would fail in the case of a power outage, negatively and drastically affecting patient care. Consequently, immediate response was required to provide backup generator power to the hospital.
- 6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** In the past, Nebraska Machinery Company has been contracted to install and maintain the existing emergency generator systems. This includes servicing, repairing, parts and accomplishing load banks. Due to their familiarity with the existing systems and their capability to immediately respond to the situation, Nebraska Machinery Company offers the most qualified and expeditious means of averting potentially negative impacts to patient care and to keep continuity within the system intact, preventing possible tangential operational problems.
- 7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** An Independent Government Estimate (IGE) was prepared by VA Maintenance &

Operations staff based on their past experience and familiarity with the marketplace in the amount of \$89,990.00. This IGE will be used as part of a subsequent Determination of Price Reasonableness before award.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was limited to an examination of the acquisition history and experience with the marketplace under previous acquisitions for the same or similar items. Due to the urgent nature needing to immediately drain the fuel tanks and still possess the capability for back-up emergency power, no further market research was conducted.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** The potential for negative impacts to patient care preclude the Government from following the normal acquisition procedures of developing specifications and drawings suitable for full and open competition.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Nebraska Machinery Company, DBA NMC Power Systems, 11002 Sapp Brothers Drive, Omaha, NE 68138-4812.

**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:** If it is discovered that the mobile emergency generators are needed longer than four months, the Government will take all required steps necessary to adequately consider performing a full and open competition for any potential follow-on requirement.

**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 L. Yager  
Chief, Engineering  
Nebraska-Western Iowa HCS

  
Date

**13. Approvals in accordance with FAR 6.304 This part if filled out by Contracting Staff as part of the Justification**

a. **Contracting Officer's Certification:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
Gregg R. Sutcliffe  
NCO 23 Contract Specialist  
Nebraska-Western Iowa HCS

  
Date

b. **FCM:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.



Julie A. Stout  
NCO 23 Facility Contract Manager  
Nebraska-Western Iowa HCS

27 March 2013

Date