

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 636-13-3-5950-0100.
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 make modifications to four (4) flash sterilizers and separate seven (7) Waste Anesthesia Gas lines in the OR rooms within 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 accomplish this work to support the re-opening of the surgery department. This acquisition is anticipated to be awarded not later than May 10, 2013. The Independent Government Estimate for this acquisition is \$65,075.00.
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):** Due to other mechanical failures the OR rooms were closed for repair. Independent studies were accomplished to evaluate the conditions of the OR and the processes used by staff and apply risks factors to them in relation to doing surgeries in the OR area. The need to properly install flash sterilizers and separate Waste Anesthesia Gas (WAG) outlets in the OR areas was highlighted as a need to help ensure patient safety during surgeries. Without the proper working mechanical systems in place, these critical hospital support systems would not function as designed and would negatively and drastically affecting patient care. Consequently, immediate response is required to provide proper working mechanical systems to the OR area.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Excel Plumbing, Heating and Air, Inc. was contacted to see if they could perform the work required to properly install the Flash Sterilizers and Waste Anesthesia Gas (WAG) systems. This includes removal, replacing, and all parts to accomplishing required work. Due to their familiarity with the existing systems and their capability to immediately respond to the situation, Excel Plumbing, Heating and Air, Inc. 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 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 Engineering

Projects staff based on their past experience and familiarity with the marketplace in the amount of \$65075.00. 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 limit the down time of the OR area, market research was limited to one other company which is a SDVOSB company, but their informal estimate was 2.5 times higher than the informal estimate provided by Excel Plumbing.

**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:**  
Excel Plumbing, Heating and Air, Inc. 1101 Locust Ave, Omaha, NE 68046.  
CS Monical Contracting, 8114 Wildewood Drive, Omaha, NE 68127.

**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 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.

  
Alan G. Maier  
Projects Branch Manager  
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

10 May 2013

Date