

Attachment B: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS  
Justification and Approval  
For  
Other Than Full and Open Competition

1. **Contracting Activity:**

Department of Veterans Affairs, VISN 2, Bath VA Medical Center  
The Bath VAMC, through NCO 2 contracting, is submitting, for the proposed contract action, a "Justification for Other than Full and Open Competition" for the double tier metal lockers that are referenced in Solicitation: VA528-13-B-0210 – Renovate Library for Respiratory Therapy (Project Number 528A6-12-608)

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

In accordance to FAR 6.302-1(c)(1), brand names are being cited in the solicitation for the Renovate Library for Respiratory Therapy Project. The purchase description for a particular product, double tier lockers, cites specific brand names in the specifications. This JOFOC is only for that portion of the acquisition.

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

(3) Double tier metal lockers for installation in the renovated Respiratory Therapy area.

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;  
 (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):**

It is necessary that the double-tier lockers for this project meet the following specification: Lockers shall be cold-rolled sheet steel with .024 nominal thicknesses for sides, backs, intermediate dividers, and shelves; channel formed .060 inch- nominal thickness for frames, and doors. Doors should include no fewer than three louvered vents at top and bottom for double tier. Hinges should be welded to door and attached to the door frame with no fewer than two factory-installed rivets per hinge that are tamper resistant and completely concealed; should be fabricated to swing 180 degrees. Provide a recessed door handle and latch of stainless-steel cup with integral door pull, recessed so locking device does not protrude beyond the face of a door; make pry and vandal resistant. Door handle and latch for lockers shall include a stainless steel strike plate with integral pull; with a steel padlock loop that projects through metal locker doors. Provide a continuous sloping top of manufacturer's standard thickness, but not less than .036 inch nominal. Provide (0.036 inch nominal thickness) and finished end panels (.024 inch nominal thickness) as required.

Finish is to be baked enamel. These specifications are recommended for and are utilized in healthcare settings.

The Architect Engineer who has designed this space and is familiar with VA Healthcare requirements has stated that the only manufacturers of lockers that meet these specifications are: Penco Products, Inc – Guardian Lockers and Republic Storage Systems Company – Quiet Lockers. Accordingly, Penco Products, Inc and Republic Storage are the only firms capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.

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

Based upon the design, the Architect Engineer determined the exact specifications for the double tier lockers. Market research has identified that only two manufacturers are capable of meeting these specifications.

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

The lockers were estimated in the original Independent Government Estimate completed by the A/E.

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

Market research/alternate products were researched by the Architect/Engineer. The VA is not knowledgeable or aware of any other lockers that meet this specification. The lockers were estimated in the original Independent Government Estimate completed by the A/E. The overall construction amount is within the estimated construction budget (prior to design).

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

Not applicable


10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

Not applicable

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:

In future acquisitions, the VA may choose to not install lockers that are required to match the existing form/fit/function of lockers that are already in place. As a result, the VA will only use salient characteristics and or brand name or equal specification instead of specifying a particular brand name.

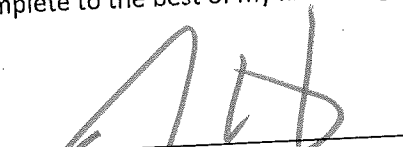
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

  
Jacob Yoder  
Facilities Manager  
Bat VAMC

6/11/13  
Date

13. **Approvals in accordance with FAR 6.304**

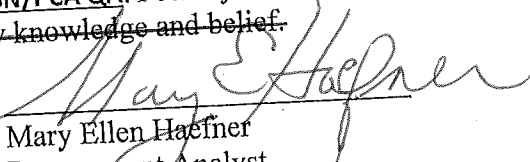
a. **Contracting Officer's Certification: (required)** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
Jason V. White  
Supervisory Contract Specialist  
NCO 2

6/11/13  
Date

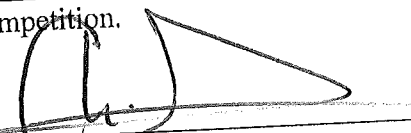
b. ~~VISN/PCA QA: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.~~

*Concur  
MEH*

  
Mary Ellen Haefner  
Procurement Analyst  
NCO 2

6/11/13  
Date

c. **NCM/PCM:** I certify the justification meets requirements for other than full and open competition.

  
Cherie Widger-Kresge  
Network Contract Manager  
NCO 2

06/12/2013  
Date

