

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval (J&A)  
For  
Other Than Full and Open Competition (>SAT)**

**Acquisition Plan Action ID: Correct Legionella Deficiencies – HS, 568A4-18-205 (construction Phase)**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 23, Hot Springs VAMC, 2237 Number: 568-19-4-9874-0009, PN: 568A4-18-205.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for brand name only items required for use in Project Number 568A4-18-205, "Correct Legionella Deficiencies". This construction project is a new requirement and will be solicited as a total set-aside for service-disabled veteran-owned small businesses (SDVOSB). The use of the brand name items listed below accommodate the unique water treatment requirements of the Hot Springs VAMC as identified in the Correct Legionella Deficiencies design.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This procurement is to construct the chlorine injection system at the Hot Springs VAMC. The scope includes everything necessary to construct a functional building and campus chlorine treatment system that meets the requirements of the Department of Veterans Affairs. There are ten (10) brand name items listed for which the VA is not able to accept equal or alternate items. The value of these items is listed below and the VAAR construction magnitude for the entire project is between \$1,000,000 and \$2,000,000. The individual brand name items identified are as follows:
  - a. Drum Modular Platform - Yellow no Drain, <https://eagle-mfg.com/product/1-drum-modular-platform--yellow-no-drain.aspx>
    - i. Manufacturer: Eagle Manufacturing Company, Model Number 1633, UPC Code 048441000883.
    - ii. Value: [REDACTED]
    - iii. Unique Qualifications: Manufacturer approved, AE designed, chemical resistant, system components for a chloramine injection system.
  - b. Corporation Stops, <http://www.eddington.net/wp-content/uploads/2017/09/Corporation-Stop-Product-Data-Sheet-3.pdf>
    - i. Manufacturer: Eddington Industries, LLC, CS-075-316
    - ii. Value: [REDACTED]
    - iii. Unique Qualifications: Manufacturer approved, AE designed, thermal tolerant, chemical resistant, system components for a chloramine injection system.
  - c. True Union Ball Valve, <https://www.haywardflowcontrol.com/assets/documents/flowcontrol/pdf/literature/TBH0317.pdf>
    - i. Manufacturer: Hayward, TBH Series.
    - ii. Value: [REDACTED]
    - iii. Unique Qualifications: Manufacturer approved, AE designed, thermal tolerant, chemical resistant, system components for a chloramine injection system.
  - d. Water Flow Meter, <http://www.carlonmeter.com/products/residentialcommercial-meters/ssmssmr-water-meters>

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP  
Attachment 2: Request for Sole Source Justification Format >SAT

- i. Manufacturer: Carlon Meter, SSMR series.
  - ii. Value: [REDACTED]
  - iii. Unique Qualifications: Manufacturer approved, AE designed, thermal tolerant, chemical resistant, system components for a chloramine injection system.
- e. Ultrasonic flow meter, <https://www.badgermeter.com/business-lines/flow-instrumentation/tfx-500w-ultrasonic-clamp-on-flow-meter/>
- i. Manufacturer: Badger Meter, TFX-500w.
  - ii. Value: [REDACTED]
  - iii. Unique Qualifications: Manufacturer approved, AE designed, thermal tolerant, chemical resistant, system components for a chloramine injection system.
- f. Monochloramine injection system.
- i. Manufacturer: Klenzoid Inc., Sanikill-lite-025.
  - ii. Value: [REDACTED]
  - iii. Unique Qualifications: Manufacturer approved, AE designed, thermal tolerant, chemical resistant, system components for a chloramine injection system.
- g. Larger Monochloramine injection system.
- i. Manufacturer: Klenzoid Inc., Sanikill-lite-350S-K.
  - ii. Value: [REDACTED]
  - iii. Unique Qualifications: Manufacturer approved, chemical resistance, containment for the chloramine system.
- h. Monochloramine chemical sub component.
- i. Manufacturer: Klenzoid Inc., Zebion 480SL.
  - ii. Value: [REDACTED]
  - iii. Unique Qualifications: Manufacturer approved, AE designed, chemical sub component for a chloramine injection system.
- i. Monochloramine chemical sub component.
- i. Manufacturer: Klenzoid Inc., Enoxin P10.
  - ii. Value: [REDACTED]
  - iii. Unique Qualifications: Manufacturer approved, AE designed, chemical sub component for a chloramine injection system.
- j. Chemical, minimizes plumbing oxidation.
- i. Manufacturer: Klenzoid Inc., Klenphos 300/400.
  - ii. Value: [REDACTED]
  - iii. Unique Qualifications: Manufacturer approved, AE designed, chemical that integrates with existing infrastructure.

**4. Statutory Authority Permitting Other than Full and Open Competition:**

**(X) (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):** Due to the Department of Veterans Affairs Office of Construction & Facilities Management Plumbing Design Manual's (May 2018) strict guidelines for the prevention of the spread of the Legionella disease in VHA buildings, a professional AE design firm was utilized in cooperation with the Hot Springs Industrial Hygienist to recommend a system that would effectively reduce the risk of the spread of Legionella bacteria at the Hot Springs VAMC. The AE design firm of record, Gator Engineering & Aquifer Restoration (GEAR), Inc., recommended the use of the monochloramine injection system, a patented design created by Klenzoid Inc., the manufacturer of the product, as it would be the most effective system for the unique water characteristics at the Hot Springs VAMC campus while ensuring a safe and controlled quality water source for dialysis patients. The medical facility was found to have a high solid count and an incoming temperature of approximately 86 degrees Fahrenheit and the monochloramine injection system was determined to be the best option for its treatment. This system and its components are recommended by the experts in this field and are essential to the Government's requirements, thereby precluding consideration of products manufactured by another company. These components are compatible with one another and no other system was recommended by the AE design firm. Changing the brand name products listed in Section III above would require the Veteran's Health Administration to experience a substantial duplication of costs that could not be expected to be recovered through competition as the system would have to be professionally redesigned. Additionally, a redesign would require unacceptable delays as the water treatment must be completed as soon as possible. Accordingly, Klenzoid Inc., Badger Meter Inc., Carlon Meter Company, Hayward Industries, Inc., Eddington Industries, LLC, and Eagle Manufacturing Company are the only brand name products that can be used as they were specially chosen for this unique project including patented systems and components.
- 6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** In accordance with the Competition in Contracting Act (CICA), the components listed above are identified as brand name required products in the project statement of work and specifications. However, the overall procurement will be competed as a SDVOSB set-aside and will be posted to Federal Business Opportunities (FBO) website to obtain maximum competition.
- 7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** In accordance with the Federal Acquisition Regulation (FAR) 6.303-2(b)(7), the CO determines by certifying this document that the anticipated cost to the Government of [REDACTED] for all brand name items required for this project is fair and reasonable. Recent market surveys conducted by Gator Engineering & Aquifer Restoration, Inc. in conjunction with the Contracting Officer's Representative (COR), Eugene Ensor, indicated that the anticipated price to the Government for the above brand name items is [REDACTED]. [REDACTED] The items for which brand name approval is being requested are subsequent components to the overall construction project. This procurement will be competed amongst certified SDVOSBs and a determination of fair and reasonable pricing for the entire project will be made prior to award.
- 8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The market research for the equipment and chemicals was conducted and prepared by the COR and shared with the CO for further review. The CO was in concurrence with information provided by COR that supported the brand name items. Approval of

the items as brand name only is critical for the overall efficiency of the completed project and the Hot Springs VAMC as a whole.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Legionella prevention and remediation is a highly specialized field that has few manufacturers that have products meeting the federal guidelines for water treatment.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Not applicable. The offerors for the construction project will locate suppliers and obtain pricing for all materials and components, including the items listed in this justification.
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:** There will be competition for the overall procurement of this construction project. It will be the responsibility of the offerors to obtain pricing from the suppliers of the brand name items listed above and to submit a competitive proposal for the project. The Government will continue to research product sources for Legionella remediation as new acquisition requirements emerge in an effort to increase competition and eliminate brand name only requirements.
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.

SIGNATURES: Redacted