

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Exception to Fair Opportunity Memo

Acquisition Plan Action ID: 36C263-21-AP-1990

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 23 (NCO23), St. Cloud VA Health Care System (VASTCHCS), Facilities Management Engineering Department, Purchase Request Number: 656-21-4-2420-0043
2. **Description of Action:** NCO 23 will be issuing a solicitation off the MN Construction MATOC for Project #656-19-306, Project Title: Renovate Building 28 First Floor East Side for RRTP in anticipation of awarding a single task order for this project. The solicitation will include the requirement of a brand name item: Edwards EST fire alarm system.
3. **Description of Supplies or Services:** A new construction project that has a need for name brand sole source items Edwards EST fire alarm system. This is a partial requirement for Project #656-19-306, Project Title: Renovate Building 28 First Floor East Side for RRTP which will renovate bedded space, common space and outpatient treatment space. This project will be solicited as 100% set aside for Service Disabled Veteran Owned Small Business and is a firm fixed price contract. This justification is only covering the portion of the acquisition that is name brand within the construction documents of this acquisition. The project will include the installation of Fire Alarm Equipment as specified in 28 31 00 of the project specifications. The approximate value of the Edwards EST fire alarm system for this project is]
4. **Statutory Authority:** The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505 Subpart 16.505(b)(2)(i):.

() FAR Subpart 16.505(b)(2)(i)(A): The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

(X) FAR Subpart 16.505(b)(2)(i)(B): Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

() FAR Subpart 16.505(b)(2)(i)(C): The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.

() FAR Subpart 16.505(b)(2)(i)(D): It is necessary to place an order to satisfy a minimum guarantee.

() FAR Subpart 16.505(b)(2)(i)(E): For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source". The statutory authority permitting an exception to fair opportunity for this action is 38 U.S.C. 8127(c), known as the Veterans First Contracting Program which provides the authority to directly contract with a Service-Disabled Veteran-Owned Small Business (SDVOSB) or a Veteran-Owned Small Business (VOSB).

5. **Rationale Supporting Use of Authority Cited Above:** This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. VA Policy and National Fire Protection Association (NFPA) requirements in the National Fire Alarm Code (NFPA-72) require fire alarm systems to be Underwriters Laboratories (UL) listed. UL requires all fire alarm system components to be tested and listed for compatibility. The use of other brands of equipment would not provide compatibility with the VA's current building panels and communications system
6. **Efforts to Obtain Competition:** The solicitation will be issued competitively as a 100% Service-disabled, Veteran-owned, Small-business set aside off the MN MATOC holders.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future equipment requirement to be found as brand name or equal.
8. **Market Research:** Market research was conducted prior to selecting this manufacturer as the facilities standard base. This justification is specific to the manufacturer, Edwards EST. This partial requirement of this project is a minor extension of the existing system. At this time there are no competing vendors whose products are fully compatible with our existing Edwards EST; however, if equipment other than Edwards EST is found to have the capability to provide interchangeable components and maintain a high level of fire alarm operations, then it will be considered acceptable. None to date is known or shown to be available.
9. **Other Facts:** The Brand Name Justification will be included in the posted solicitation in accordance with FAR 6.302-1(c)(ii)(C).
10. **Technical and Requirements Certification:** I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

MICHAEL J
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Michael J. Engmark
General Engineer, Project Section
St. Cloud VA Health Care System

Date

VHAPM Part 816.5—Indefinite-Delivery Contracts
Attachment 1: Request for Exception to Fair Opportunity Memo Format

11. Determination that Anticipated Cost is Fair and Reasonable: A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable: The solicitation will be issued competitively IAW Far 16. 505(b). Price reasonableness shall be established through competition.

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

Jennifer M.

Johnson 716668

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M. Johnson 716668
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-05'00'

Jennifer Johnson
Contracting Officer
NCO 23-Construction Team One

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2. **Description of Action:** NCO 23 will be issuing a solicitation off the MN Construction MATOC for Project #656-19-306, Project Title: Renovate Building 28 First Floor East Side for RRTP in anticipation of awarding a single task order for this project. The solicitation will include the requirement of a brand name item: Johnson Controls DDC system.
3. **Description of Supplies or Services:** A new construction project that has a need for name brand sole source items Edwards EST fire alarm system. This is a partial requirement for Project #656-19-306, Project Title: Renovate Building 28 First Floor East Side for RRTP which will renovate bedded space, common space and outpatient treatment space. This project will be solicited as 100% set aside for Service Disabled Veteran Owned Small Business and is a firm fixed price contract. This justification is only covering the portion of the acquisition that is name brand within the construction documents of this acquisition. The project will include the installation of DDC controls as specified in 23 09 23 of the project specifications. The approximate value of the Johnson Controls DDC system for this project is
4. **Statutory Authority:** The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505 Subpart 16.505(b)(2)(i):.

() FAR Subpart 16.505(b)(2)(i)(A): The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

(X) FAR Subpart 16.505(b)(2)(i)(B): Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

() FAR Subpart 16.505(b)(2)(i)(C): The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.

() FAR Subpart 16.505(b)(2)(i)(D): It is necessary to place an order to satisfy a minimum guarantee.

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() FAR Subpart 16.505(b)(2)(i)(E): For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source". The statutory authority permitting an exception to fair opportunity for this action is 38 U.S.C. 8127(c), known as the Veterans First Contracting Program which provides the authority to directly contract with a Service-Disabled Veteran-Owned Small Business (SDVOSB) or a Veteran-Owned Small Business (VOSB).

5. **Rationale Supporting Use of Authority Cited Above:** This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The patient occupied buildings, as well as the entire facility, employs the Johnson Controls system to regulate the buildings HVAC systems. The controls must be identical to the existing controls in every building to communicate with our centrally monitored Metasys System that our facility has in place.
6. **Efforts to Obtain Competition:** The solicitation will be issued competitively as a 100% Service-disabled, Veteran-owned, Small-business set aside off the MN MATOC holders.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future equipment requirement to be found as brand name or equal.
8. **Market Research:** Market research was conducted prior to selecting this manufacturer as the facilities standard base. This justification is specific to the manufacturer, Edwards EST. This partial requirement of this project is a minor extension of the existing system. At this time there are no competing vendors whose products are fully compatible with our existing Edwards EST; however, if equipment other than Edwards EST is found to have the capability to provide interchangeable components and maintain a high level of fire alarm operations, then it will be considered acceptable. None to date is known or shown to be available.
9. **Other Facts:** The Brand Name Justification will be included in the posted solicitation in accordance with FAR 6.302-1(c)(ii)(C).
10. **Technical and Requirements Certification:** I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

MICHAEL J
ENGMARK 1675622

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Michael J. Engmark
General Engineer, Project Section
St. Cloud VA Health Care System

Date

11. **Determination that Anticipated Cost is Fair and Reasonable:** A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable: The solicitation will be issued competitively IAW Far 16. 505(b). Price reasonableness shall be established through competition.

VHAPM Part 816.5—Indefinite-Delivery Contracts
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12. Contracting Officer's Certification (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Jennifer M.

Johnson 716668

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M. Johnson 716668
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-05'00'

Jennifer Johnson
Contracting Officer
NCO 23-Construction Team One

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2. **Description of Action:** NCO 23 will be issuing a solicitation off the MN Construction MATOC for Project #656-19-306, Project Title: Renovate Building 28 First Floor East Side for RRTP in anticipation of awarding a single task order for this project. The solicitation will include the requirement of a brand name item: BEST, TE Series Lock Cores.
3. **Description of Supplies or Services:** A new construction project that has a need for name brand sole source items Edwards EST fire alarm system. This is a partial requirement for Project #656-19-306, Project Title: Renovate Building 28 First Floor East Side for RRTP which will renovate bedded space, common space and outpatient treatment space. This project will be solicited as 100% set aside for Service-Disabled Veteran Owned Small Business and is a firm fixed price contract. This justification is only covering the portion of the acquisition that is name brand within the construction documents of this acquisition. The project will include the installation of door hardware as specified in 08 71 00 of the project specifications. The approximate value of the BEST, TE Series Lock Cores for this project is
4. **Statutory Authority:** The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505 Subpart 16.505(b)(2)(i):.

() FAR Subpart 16.505(b)(2)(i)(A): The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

(X) FAR Subpart 16.505(b)(2)(i)(B): Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

() FAR Subpart 16.505(b)(2)(i)(C): The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.

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() FAR Subpart 16.505(b)(2)(i)(E): For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source". The statutory authority permitting an exception to fair opportunity for this action is 38 U.S.C. 8127(c), known as the Veterans First Contracting Program which provides the authority to directly contract with a Service-Disabled Veteran-Owned Small Business (SDVOSB) or a Veteran-Owned Small Business (VOSB).

5. **Rationale Supporting Use of Authority Cited Above:** This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The only key core used on the St. Cloud VA campus is a BEST TE Series interchangeable core.
6. **Efforts to Obtain Competition:** The solicitation will be issued competitively as a 100% Service-disabled, Veteran-owned, Small-business set aside off the MN MATOC holders.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future equipment requirement to be found as brand name or equal.
8. **Market Research:** Market research was conducted prior to selecting this manufacturer as the facilities standard base. This justification is specific to the manufacturer, Edwards EST. This partial requirement of this project is a minor extension of the existing system. At this time there are no competing vendors whose products are fully compatible with our existing Edwards EST; however, if equipment other than Edwards EST is found to have the capability to provide interchangeable components and maintain a high level of fire alarm operations, then it will be considered acceptable. None to date is known or shown to be available.
9. **Other Facts:** The Brand Name Justification will be included in the posted solicitation in accordance with FAR 6.302-1(c)(ii)(C).
10. **Technical and Requirements Certification:** I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

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Michael J. Engmark
General Engineer, Project Section
St. Cloud VA Health Care System

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Jennifer M.
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NCO 23-Construction Team One

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3. **Description of Supplies or Services:** A new construction project that has a need for name brand sole source items Edwards EST fire alarm system. This is a partial requirement for Project #656-19-306, Project Title: Renovate Building 28 First Floor East Side for RRTP which will renovate bedded space, common space and outpatient treatment space. This project will be solicited as 100% set aside for Service-Disabled Veteran Owned Small Business and is a firm fixed price contract. This justification is only covering the portion of the acquisition that is name brand within the construction documents of this acquisition. The project will include the installation of Nurse Call/Code Blue equipment as specified in 27 52 23 of the project specifications. The approximate value of Rauland 5000 Nurse Call equipment for this project is
4. **Statutory Authority:** The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505 Subpart 16.505(b)(2)(i):

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5. **Rationale Supporting Use of Authority Cited Above:** This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The Nurse Call/Code Blue systems at the St. Cloud VA utilize Rauland 5000 equipment as a standard. The Nurse Call equipment that will be used in this project will need to interface to the existing Nurse Call system. The new equipment must be identical to the existing system for compatibility.
6. **Efforts to Obtain Competition:** The solicitation will be issued competitively as a 100% Service-disabled, Veteran-owned, Small-business set aside off the MN MATOC holders.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future equipment requirement to be found as brand name or equal.
8. **Market Research:** Market research was conducted prior to selecting this manufacturer as the facilities standard base. This justification is specific to the manufacturer, Edwards EST. This partial requirement of this project is a minor extension of the existing system. At this time there are no competing vendors whose products are fully compatible with our existing Edwards EST; however, if equipment other than Edwards EST is found to have the capability to provide interchangeable components and maintain a high level of fire alarm operations, then it will be considered acceptable. None to date is known or shown to be available.
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