

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Exception to Fair Opportunity Memo**

**Acquisition Plan Action ID: 36C263-21-AP-5313**

- 1. Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 23 (NCO23)  
Ordering Activity: Minneapolis VA Health Care System (VAHCS), Facilities Engineering Department  
Purchase Request Number: **618-22-1-6999-0001**
- 2. Description of Action:** NCO 23 will be issuing a solicitation off the Minnesota Construction MATOC for **Project 618-19-101, Renovate Outpatient Entry**, in anticipation of awarding a single task order for this project. The solicitation will include the requirement of a brand name item:  
**Gamewell Fire Alarm System.**
- 3. Description of Supplies or Services:** A Non-Recurring Maintenance (NRM) project has a need for brand name sole source items. This is a partial requirement for **Project 618-19-101, Renovate Outpatient Entry**. This project will be solicited as 100% set aside for Service-Disabled Veteran Owned Small Business that will be awarded as a firm-fixed-price task order. This justification covers a portion of the acquisition that is brand name within the construction documents of this acquisition. The use of a particular brand name for the item(s) listed below accommodates standardization of these items throughout the facility:  
**Gamewell Fire Alarm System**  
**FCI Components**  
**Value:** [REDACTED]
- 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

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Attachment 1: Request for Exception to Fair Opportunity Memo Format

with a Service-Disabled Veteran-Owned Small Business (SDVOSB) or a Veteran-Owned Small Business (VOSB).

5. **Rationale Supporting Use of Authority Cited Above:** Gamewell/FCI components are required to integrate with existing fire alarm system. This is a National Fire Protection Association (NFPA) listed system in which all components must be from the same manufacturer to function and communicate appropriately. This is a fire code related matter.
6. **Efforts to Obtain Competition:** At this time, installing a different manufacturers' system will create significant duplication in cost for the facility, and in most cases the equipment will not function properly. Gamewell is the only firm capable of providing the items described above without the VA experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the marketplace 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.
9. **Other Facts:** The brand name justification will be included in the posted solicitation in accordance with FAR 6.302-l(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.

ROBERT C.

MALECHA 1582825

Digitally signed by ROBERT  
C. MALECHA 1582825  
Date: 2021.10.14 12:51:37  
-05'00'

Robert Malecha  
Chief, Project Section  
Minneapolis VA Health Care System

10/14/2021

Date

11. **Determination that Anticipated Cost is Fair and Reasonable:** The Contracting Officer shall determine the cost for this procurement to be fair and reasonable by thorough review of the Contractor's proposal and Contracting Officer Representative (COR) technical evaluation of the proposal.

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.

Teresa M.  
Kohlbeck 1683036

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M. Kohlbeck 1683036  
Date: 2021.10.14 13:27:23  
-05'00'

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Teresa Kohlbeck  
Contracting Officer  
NCO 23, Construction Team 1

10/14/2021

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Date

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**Acquisition Plan Action ID: 36C263-21-AP-5313**

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 23 (NCO23)  
Ordering Activity: Minneapolis VA Health Care System (VAHCS), Facilities Engineering Department  
Purchase Request Number: **618-22-1-6999-0001**
2. **Description of Action:** NCO 23 will be issuing a solicitation off the Minnesota Construction MATOC for **Project 618-19-101, Renovate Outpatient Entry**, in anticipation of awarding a single task order for this project. The solicitation will include the requirement of a brand name item:  
**Johnson Controls (JCI) Building Automation System.**
3. **Description of Supplies or Services:** A Non-Recurring Maintenance (NRM) project has a need for brand name sole source items. This is a partial requirement for **Project 618-19-101, Renovate Outpatient Entry**. This project will be solicited as 100% set aside for Service-Disabled Veteran Owned Small Business that will be awarded as a firm-fixed-price task order. This justification covers a portion of the acquisition that is brand name within the construction documents of this acquisition. The use of a particular brand name for the item(s) listed below accommodates standardization of these items throughout the facility:  
**Johnson Controls (JCI)**  
**Control Valves, Building Automation System**  
Value: [REDACTED]
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

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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 current VA Medical Center's control valves and automation systems are by Johnson Controls (JCI). These valves communicate to the current building automation system (BAS) Metasys, which is also by JCI. If a different brand of control valve were to be used, these would not communicate with the current BAS and not allow the building to function properly. Accordingly, JCI control valves are the only product capable of proving the VA Medical Center with a capable design. Also, JCI's proprietary BAS, Metasys, has been in this building for many years and can only communicate with its own system. Therefore, if any components that are not compatible with the current BAS were to be installed, they would not function properly.
6. **Efforts to Obtain Competition:** At this time, there are no competing vendors whose products are fully compatible with the existing system. Johnson Controls, Inc. has been the only authorized distributor of new controls equipment and controls software. It is a proprietary system; there are no SDVOSB/VOSBs verified or authorized to perform the work.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the marketplace 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.
9. **Other Facts:** The brand name justification will be included in the posted solicitation in accordance with FAR 6.302-l(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.

ROBERT C.  
MALECHA 1582825

Digitally signed by ROBERT C.  
MALECHA 1582825  
Date: 2021.10.14 12:52:36 -05'00'

10/14/2021

Robert Malecha  
Chief, Project Section  
Minneapolis VA Health Care System

Date

11. **Determination that Anticipated Cost is Fair and Reasonable:** The Contracting Officer shall determine the cost for this procurement to be fair and reasonable by thorough review of the Contractor's proposal and Contracting Officer Representative (COR) technical evaluation of the proposal.

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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.

Teresa M.  
Kohlbeck 1683036

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Teresa Kohlbeck  
Contracting Officer  
NCO 23, Construction Team 1

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M. Kohlbeck 1683036  
Date: 2021.10.14 13:29:17  
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10/14/2021

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Ordering Activity: Minneapolis VA Health Care System (VAHCS), Facilities Engineering Department  
Purchase Request Number: **618-22-1-6999-0001**
2. **Description of Action:** NCO 23 will be issuing a solicitation off the Minnesota Construction MATOC for **Project 618-19-101, Renovate Outpatient Entry**, in anticipation of awarding a single task order for this project. The solicitation will include the requirement of a brand name item:  
**LCN Door Closures.**
3. **Description of Supplies or Services:** A Non-Recurring Maintenance (NRM) project has a need for brand name sole source items. This is a partial requirement for **Project 618-19-101, Renovate Outpatient Entry**. This project will be solicited as 100% set aside for Service-Disabled Veteran Owned Small Business that will be awarded as a firm-fixed-price task order. This justification covers a portion of the acquisition that is brand name within the construction documents of this acquisition. The use of a particular brand name for the item(s) listed below accommodates standardization of these items throughout the facility:  
**LCN**  
**Door Closures**  
**Value** [REDACTED]
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.  
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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 project will be installing new door closers that match our existing closers. The facility currently has several thousand closers installed in the hospital. The VA carpenter shop keeps parts and extra closers in stock for repair and/or replacement of our existing door closers. The VA locksmith currently maintains the existing door closers. Adding a new brand of door closer would cause additional training for VA staff, maintenance time, and cost to stock parts. The VA carpenter shop keeps parts and extra closers in stock for repair and/or replacement of our existing door closers.
6. **Efforts to Obtain Competition:** At this time, LCN is the only firm capable of providing the items described above without the VA experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the marketplace 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.
9. **Other Facts:** The brand name justification will be included in the posted solicitation in accordance with FAR 6.302-l(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.

ROBERT C.  
MALECHA 1582825

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MALECHA 1582825  
Date: 2021.10.14 12:55:49 -05'00'

10/14/2021

Robert Malecha  
Chief, Project Section  
Minneapolis VA Health Care System

Date


11. **Determination that Anticipated Cost is Fair and Reasonable:** The Contracting Officer shall determine the cost for this procurement to be fair and reasonable by thorough review of the Contractor's proposal and Contracting Officer Representative (COR) technical evaluation of the proposal.



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Teresa M.  
Kohlbeck  
1683036

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Kohlbeck 1683036  
Date: 2021.10.14 13:31:01 -05'00'

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Teresa Kohlbeck  
Contracting Officer  
NCO 23, Construction Team 1

10/14/2021

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Date

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Purchase Request Number: **618-22-1-6999-0001**
2. **Description of Action:** NCO 23 will be issuing a solicitation off the Minnesota Construction MATOC for **Project 618-19-101, Renovate Outpatient Entry**, in anticipation of awarding a single task order for this project. The solicitation will include the requirement of a brand name item:  
**Lenel Card Readers.**
3. **Description of Supplies or Services:** A Non-Recurring Maintenance (NRM) project has a need for brand name sole source items. This is a partial requirement for **Project 618-19-101, Renovate Outpatient Entry**. This project will be solicited as 100% set aside for Service-Disabled Veteran Owned Small Business that will be awarded as a firm-fixed-price task order. This justification covers a portion of the acquisition that is brand name within the construction documents of this acquisition. The use of a particular brand name for the item(s) listed below accommodates standardization of these items throughout the facility:  
**Lenel**  
**HC Model RPK40 Card Readers, 1300-u control board**  
**Value:** XXXXXXXXXX
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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with a Service-Disabled Veteran-Owned Small Business (SDVOSB) or a Veteran-Owned Small Business (VOSB).

5. **Rationale Supporting Use of Authority Cited Above:** The facility security system is currently Lenel with HD readers and Lenel control boards. Readers must be compatible with Lenel and FIPS compliant. Other card readers are not compatible with these requirements. They have no way of connecting to the power boards or communicating with the system currently in place. A functional, communicating security system is a major safety requirement. Lenel zone control boards are also required to connect back to the Lenel system. Installing a different manufacturers' system will create significant duplication in cost for the facility, and in most cases the equipment will not function properly.
6. **Efforts to Obtain Competition:** At this time, Lenel is the only firm capable of providing the items described above without the VA experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the marketplace 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.
9. **Other Facts:** The brand name justification will be included in the posted solicitation in accordance with FAR 6.302-l(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.

ROBERT C.

MALECHA 1582825

Robert Malecha  
Chief, Project Section  
Minneapolis VA Health Care System

Digitally signed by ROBERT C.  
MALECHA 1582825

Date: 2021.10.14 12:57:03 -05'00'

10/14/2021

Date

11. **Determination that Anticipated Cost is Fair and Reasonable:** The Contracting Officer shall determine the cost for this procurement to be fair and reasonable by thorough review of the Contractor's proposal and Contracting Officer Representative (COR) technical evaluation of the proposal.

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Teresa M.  
Kohlbeck  
1683036

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M. Kohlbeck 1683036  
Date: 2021.10.14 13:33:13  
-05'00'

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Teresa Kohlbeck  
Contracting Officer  
NCO 23, Construction Team 1

10/14/2021

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Date

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Ordering Activity: Minneapolis VA Health Care System (VAHCS), Facilities Engineering Department  
Purchase Request Number: **618-22-1-6999-0001**
- 2. Description of Action:** NCO 23 will be issuing a solicitation off the Minnesota Construction MATOC for **Project 618-19-101, Renovate Outpatient Entry**, in anticipation of awarding a single task order for this project. The solicitation will include the requirement of a brand name item:  
**Panduit cables, patch cords, faceplates and outlets.**
- 3. Description of Supplies or Services:** A Non-Recurring Maintenance (NRM) project has a need for brand name sole source items. This is a partial requirement for **Project 618-19-101, Renovate Outpatient Entry**. This project will be solicited as 100% set aside for Service-Disabled Veteran Owned Small Business that will be awarded as a firm-fixed-price task order. This justification covers a portion of the acquisition that is brand name within the construction documents of this acquisition. The use of a particular brand name for the item(s) listed below accommodates standardization of these items throughout the facility:  
**Panduit**  
**Cables, patch cords, faceplates and outlets**  
**Value:** [REDACTED]
- 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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with a Service-Disabled Veteran-Owned Small Business (SDVOSB) or a Veteran-Owned Small Business (VOSB).

5. **Rationale Supporting Use of Authority Cited Above:** Panduit cables, patch cords, faceplates and outlets are required for maintenance purposes and labeling consistency. The Panduit brand consistency is required so IT staff can identify which components are which, and what each is supposed to connect to in the IT closet. This is standardized throughout the hospital, so using other types would cause confusion and potential for misconnections, which would be a major risk on a security system.
6. **Efforts to Obtain Competition:** The Panduit system was selected because the face plate and outlet are of optimal shape and orientation. Other types have been tried, but they have been more susceptible to damage and harder to work with. IT staff need to frequently access these when they're behind desks or above ceiling tiles, so the specified make and model save a great deal of time and prevent unintentional damage. IT now keeps these components in stock, so bringing in others would cause excess maintenance time and require excessive additional components to be kept in stock.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the marketplace 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.
9. **Other Facts:** The brand name justification will be included in the posted solicitation in accordance with FAR 6.302-l(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.

ROBERT C.

MALECHA 1582825

Digitally signed by ROBERT C.  
MALECHA 1582825

Date: 2021.10.14 12:57:55 -05'00'

10/14/2021

Robert Malecha  
Chief, Project Section  
Minneapolis VA Health Care System

Date

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Digitally signed by Teresa  
Teresa M. Kohlbeck M. Kohlbeck 1683036  
1683036 Date: 2021.10.14 13:34:55  
-05'00'

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Teresa Kohlbeck  
Contracting Officer  
NCO 23, Construction Team 1

10/14/2021

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Purchase Request Number: **618-22-1-6999-0001**
2. **Description of Action:** NCO 23 will be issuing a solicitation off the Minnesota Construction MATOC for **Project 618-19-101, Renovate Outpatient Entry**, in anticipation of awarding a single task order for this project. The solicitation will include the requirement of a brand name item:  
**Schlage “L” Series Mortised Door Locksets.**
3. **Description of Supplies or Services:** A Non-Recurring Maintenance (NRM) project has a need for brand name sole source items. This is a partial requirement for **Project 618-19-101, Renovate Outpatient Entry**. This project will be solicited as 100% set aside for Service-Disabled Veteran Owned Small Business that will be awarded as a firm-fixed-price task order. This justification covers a portion of the acquisition that is brand name within the construction documents of this acquisition. The use of a particular brand name for the item(s) listed below accommodates standardization of these items throughout the facility:  
**Schlage “L” Series Mortised  
Door Locksets  
Value: [REDACTED]**
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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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. This project will be installing new locksets on the new doors. The medical center has approximately 3,000 Schlage “L” Series mortised locksets installed in doors with another 200-300 installed in doors in the out- buildings. The medical center currently stocks parts and extra locksets for only the Schlage “L” series mortised locks. These items have been standardized throughout the Minneapolis VAHCS. If a different lockset would be introduced into the medical center it would cause confusion for maintenance staff and contractors and would require the medical center to stock parts for different manufacturers at additional cost to the medical center.
6. **Efforts to Obtain Competition:** At this time, there are no competing vendors whose products are fully compatible with the existing system. Installing a different manufacturers’ system will create significant duplication in cost for the facility, and in most cases the equipment will not function properly.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the marketplace 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.
9. **Other Facts:** The brand name justification will be included in the posted solicitation in accordance with FAR 6.302-l(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.

ROBERT C.

MALECHA 1582825

Robert Malecha  
Chief, Project Section  
Minneapolis VA Health Care System

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MALECHA 1582825  
Date: 2021.10.14 12:58:50  
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10/14/2021

Date

11. **Determination that Anticipated Cost is Fair and Reasonable:** The Contracting Officer shall determine the cost for this procurement to be fair and reasonable by thorough review of the Contractor’s proposal and Contracting Officer Representative (COR) technical evaluation of the proposal.

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Attachment 1: Request for Exception to Fair Opportunity Memo Format

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

Teresa M.  
Kohlbeck 1683036

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M. Kohlbeck 1683036  
Date: 2021.10.14 13:38:20  
-05'00'

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Teresa Kohlbeck  
Contracting Officer  
NCO 23, Construction Team 1

10/14/2021

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Date

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Exception to Fair Opportunity Memo**

**Acquisition Plan Action ID: 36C263-21-AP-5313**

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 23 (NCO23)  
Ordering Activity: Minneapolis VA Health Care System (VAHCS), Facilities Engineering Department  
Purchase Request Number: **618-22-1-6999-0001**
2. **Description of Action:** NCO 23 will be issuing a solicitation off the Minnesota Construction MATOC for **Project 618-19-101, Renovate Outpatient Entry**, in anticipation of awarding a single task order for this project. The solicitation will include the requirement of a brand name item:  
**Stanley Automatic Sliding Doors.**
3. **Description of Supplies or Services:** A Non-Recurring Maintenance (NRM) project has a need for brand name sole source items. This is a partial requirement for **Project 618-19-101, Renovate Outpatient Entry**. This project will be solicited as 100% set aside for Service-Disabled Veteran Owned Small Business that will be awarded as a firm-fixed-price task order. This justification covers a portion of the acquisition that is brand name within the construction documents of this acquisition. The use of a particular brand name for the item(s) listed below accommodates standardization of these items throughout the facility:  
**Stanley Automatic Sliding Doors**  
**DuraGlide 3000 BP**  
**Value:** [REDACTED]
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

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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. This project will be installing new Stanley Duraglide 3000 Automatic Sliding Doors at the Outpatient Entrance. The existing doors in the medical center and at the medical center out-buildings are of the same brand. The medical center has over 70 Stanley Automatic Sliding Doors and 156 Stanley Door Operators installed within the main building and in out-buildings on the campus. The medical center currently stocks parts for Stanley Automatic Doors to support maintenance operations on the VA campus. The VA maintenance team has been trained to repair and up-keep Stanley Automatic Doors to keep them in working condition without the need of incurring additional cost for maintenance service calls. Furthermore, Stanley repair parts are interchangeable across the Stanley door line of products.
6. **Efforts to Obtain Competition:** At this time, Stanley Automatic Doors have been standardized throughout the Minneapolis VAHCS. Installing a different brand of automatic doors will create significant duplication in maintenance cost for the facility, and most likely will not function properly. If a different automatic door type is introduced into the medical center additional training cost, maintenance time, and would require the medical center to stock parts for different manufacturers at additional cost to the medical center.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the marketplace 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.
9. **Other Facts:** The brand name justification will be included in the posted solicitation in accordance with FAR 6.302-l(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.

ROBERT C.

MALECHA 1582825

Robert Malecha  
Chief, Project Section  
Minneapolis VA Health Care System

Digitally signed by ROBERT C.

MALECHA 1582825

Date: 2021.10.14 12:55:07 -05'00'

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Date

11. **Determination that Anticipated Cost is Fair and Reasonable:** The Contracting Officer shall determine the cost for this procurement to be fair and reasonable by thorough review of the

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Contractor's proposal and Contracting Officer Representative (COR) technical evaluation of the proposal.

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

Teresa M. Kohlbeck 1683036  
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Date: 2021.10.14 13:36:56 -05'00'

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Teresa Kohlbeck  
Contracting Officer  
NCO 23, Construction Team 1

10/14/2021

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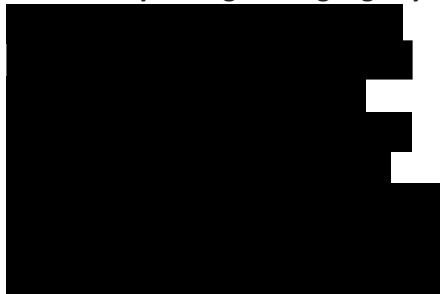
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**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Exception to Fair Opportunity Memo**

**Acquisition Plan Action ID: 36C263-21-AP-5313**

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 23 (NCO23)  
Ordering Activity: Minneapolis VA Health Care System (VAHCS), Facilities Engineering Department  
Purchase Request Number: **618-22-1-6999-0001**
2. **Description of Action:** NCO 23 will be issuing a solicitation off the Minnesota Construction MATOC for **Project 618-19-101, Renovate Outpatient Entry**, in anticipation of awarding a single task order for this project. The solicitation will include the requirement of a brand name item:  
**Takeform Wayfinding and Signage System.**
3. **Description of Supplies or Services:** A Non-Recurring Maintenance (NRM) project has a need for brand name sole source items. This is a partial requirement for **Project 618-19-101, Renovate Outpatient Entry**. This project will be solicited as 100% set aside for Service-Disabled Veteran Owned Small Business that will be awarded as a firm-fixed-price task order. This justification covers a portion of the acquisition that is brand name within the construction documents of this acquisition. The use of a particular brand name for the item(s) listed below accommodates standardization of these items throughout the facility:

**Takeform Wayfinding and Signage System**



Value:

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

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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. New signage must be compatible with the existing system to ensure standardization of aesthetics, maintenance, and wayfinding. Takeform signage meets all Americans with Disabilities Act and International Building Code requirements. Any other system of wayfinding, when used with existing signage in the facility, would cause confusion and safety issues. Signage is also updated by in-house staff using specialized equipment and materials. A new signage system would require the MVAHCS to either buy new specialized equipment and materials or require an on-going service contract to update and maintain signage.
6. **Efforts to Obtain Competition:** At this time, a new signage system would require the MVAHCS to either buy new specialized equipment and materials or require an on-going service contract to update and maintain signage. The VA experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the marketplace 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.
9. **Other Facts:** The brand name justification will be included in the posted solicitation in accordance with FAR 6.302-l(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.

ROBERT C.

MALECHA 1582825

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MALECHA 1582825

Date: 2021.10.14 12:53:42 -05'00' 10/14/2021

Robert Malecha  
Chief, Project Section  
Minneapolis VA Health Care System

Date

VHAPM Part 816.5—Indefinite-Delivery Contracts  
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- 11. Determination that Anticipated Cost is Fair and Reasonable:** The Contracting Officer shall determine the cost for this procurement to be fair and reasonable by thorough review of the Contractor's proposal and Contracting Officer Representative (COR) technical evaluation of the proposal.
- 12. Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Teresa M. Kohlbeck  
1683036

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Kohlbeck 1683036  
Date: 2021.10.14 13:39:40  
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Teresa Kohlbeck  
Contracting Officer  
NCO 23, Construction Team 1

10/14/2021

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Date