

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

**1. Contracting Activity:**

Department of Veterans Affairs  
Lebanon VA Medical Center  
1700 S. Lincoln Ave.  
Lebanon, PA 17042

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

Contractor shall furnish management, supervision, labor transportation, equipment, and materials, and perform work to include general construction, alterations, mechanical and electrical work, and certain other items as required by project drawings and specifications for:

**PROJECT NO. #595-10-105**

**VACO – LEBANON VA MEDICAL CENTER**

**RENOVATE ACUTE CARE 1-2 BED UNIT**

This acquisition is a firm-fixed price construction buy.

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

Countertops-Corian Countertops- Solid surface countertops.

Solid Polymer Material:

1. Filled Methyl Methacrylic Polymer.
2. Performance properties required:

Property	Result	Test
Elongation	0.3% min.	ASTM D638
Hardness	90 Rockwell M	ASTM D785
Gloss (60 <sup>0</sup> Gordon)	5-20	NEMA LD3.1
Color stability	No change	NEMA LD3 except 200 hour
Abrasion resistance	No loss of pattern Max wear depth 0.0762 mm (0.003 in) - 10000 cycles	NEMA LD3
Water absorption weight (5 max)	24 hours 0.9	ASTM D-570
Izod impact	14 N·m/m (0.25 ft-lb/in)	ASTM D256 (Method A)

Property	Result	Test
Impact resistance	No fracture	NEMA LD-3 900 mm (36") drop 1 kg (2 lb.) ball
Boiling water surface resistance	No visible change	NEMA LD3
High temperature resistance	Slight surface dulling	NEMA LD3

3. Cast into sheet form and bowl form.
4. Color throughout with subtle veining through thickness.
5. Joint adhesive and sealer: Manufacturers silicone adhesive and sealant for joining methyl methacrylic polymer sheet.
6. **BIO-BASED PRODUCTS WILL BE PREFERRED**

**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):**

COUNTERTOPS – *Savannah, CORIAN*: Restriction of sources for this acquisition is justified in accordance with FAR 8.405-6(b)(3), the item is peculiar to one manufacturer. Although there are other manufacturers of countertops and solid surface material for countertops that can meet the Government's minimum requirements, it is not in the Government's best interest to award an acquisition to any other brand. The finishes for the project are developed, selected and approved based on aesthetic and functional criteria of the VAMC director, interior designer, and A/E. The selection process evaluates multiple manufacturer's product lines and colors, to develop a final collection that meets the needs of the VAMC. The brands selected form a unique décor which could not be achieved or ensured based on non proprietary bidding.

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

The AE designing this project made every effort to specify generic items, however in design process only the products listed above meet the unique design criteria of this construction project. There is no restriction on suppliers of the products specified, only on the manufacturer. While these products are specified, most can be procured from multiple sources.

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

It is anticipated that the prime construction contractor will obtain multiple quotes from various suppliers for the specified items, thus ensuring fair and reasonable price determination.

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

No market research was conducted as the prime contractor for these products is responsible for purchase/procurement of specified products. It is anticipated that prime construction contractor will be able to obtain price competition for these items.

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

These items are specified as design criteria to complete a unique atmosphere and work environment. Deviation from these products would jeopardize the aesthetic feel and functionality of the design.

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

See Section VI above.

**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 products specified for this construction project are the only products that meet the Government's needs for the specified design. There is no restriction on suppliers of the products specified, only on the manufacturer. In the future the VA will continue to urge AE design firms to write specifications that allow for more diverse product placement and less restrictive 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.

Richard McKeary Assistant Chief Engineer March 14, 2012  
for Thaddeus Kocuba Date  
Chief of Engineering  
Lebanon VA Medical Center

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.

Seth J. Custer 3/14/12  
Seth J. Custer Date  
Chief of Contracting  
Lebanon VA Medical Center

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

Robert Del Campo 14 MARCH 2012  
Robert Del Campo Date  
Construction Team Manager  
NCO 4