

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: _____

1. **Contracting Activity:** Department of Veterans Affairs, VISN 4, Lebanon VAMC, Facilities Service is requesting this J & A approval from the PCAC

2. **Nature and/or Description of the Action Being Processed:** This is a Justification and Approval for Other Than Full and Open Competition, Brand Name Only, for ASCO 7000 Series Automatic Transfer Switches which are a small portion of the construction materials for construction project 595-601 Construct New Community Living Center, a new requirement to award a firm fixed price contract.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** ASCO 7000 SERIES Bypass Isolation Automatic Transfer Switches (ATS) are designed for mission critical facilities. This product will allow the primary automatic transfer switch to be inspected, tested, and maintained without interrupting power to the load. They also provide redundant power transfer if the ATS is disabled or removed from service. The total estimated value of the ATS system is [REDACTED] out of a total estimated project value of [REDACTED]

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 41 USC §3304(a)(1) as implemented by FAR 6.302-1;
 - () (2) Unusual and Compelling Urgency per 41 USC §3304(a)(2) as implemented by FAR 6.302-2;
 - () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per 41 USC §3304(a)(3) as implemented by FAR 6.302-3;
 - () (4) International Agreement per 41 USC §3304(a)(4) as implemented by FAR 6.302-4
 - () (5) Authorized or Required by Statute per 41 USC §3304(a)(5) as implemented by FAR 6.302-5;
 - () (6) National Security per 41 USC §3304(a)(6) as implemented by FAR 6.302-6;
 - () (7) Public Interest per 41 USC §3304(a)(7) as implemented by 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):** Only One Responsible Source (FAR 6.302-1) – Although there are other manufacturers of Automatic Transfer Switches that can meet the same general performance standards as the ASCO 7000 series Automatic Transfer Switch (ATS), it is not in the Government's best interest to award an acquisition to any manufacturer other than ASCO. The ASCO ATS's are a well-recognized and highly reliable unit that are typically found in Mission Critical healthcare facilities around the world. The vast majority of the existing ATS's being utilized on our campus are manufactured by the ACSO Power Technologies company. Use of an additional manufacturer would result in the requirement to purchase and store additional spare inventory, have additional service contracts, duplicative monitoring equipment at multiple locations in the hospital, and additional training for our electrical technicians, projects crews and engineering department personnel. Accordingly, ASCO Power Technologies manufactured equipment is able meet or exceed the required product specifications with numerous local vendors with the capabilities of providing the supplies and services described in Section 3 above without the

Part 806.3 Other Than Full and Open Competition (OFOC)
Attachment 7: Request for Sole Source Justification Format >SAT

Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A Notice of Intent to Sole Source Automatic Transfer Switches manufactured by ASCO will be posted on SAM.GOV with the solicitation. Offerors will be able to obtain ASCO 7000 Series Bypass Isolation Transfer Switch from various distributors and sources available in the open market
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The contract is a firm fixed price contract with multiple bidders and the ATS systems components are available from multiple vendors. Bid prices will be compared with the independent government cost estimate to verify that the proposed contract cost is fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** As described in Section 6 above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Proper control over the inevitable loss of power due to unforeseen circumstances is vital to maintaining the health of our veterans, staff and visitors and installing non-compatible equipment will lead to functionality issues that will reduce patient, staff and visitor safety. No other manufacturer makes a system that is guaranteed, as a whole, to be compatible with our existing normal and emergency power systems. System incompatibility can lead to the failure of operations and potential loss of power to life saving monitoring devices in such areas as the Intensive Care Unit, Operating Rooms, Pharmacies, etc. Additional concerns would be related to potential loss of access to patient records throughout the hospital leading to life threatening delays in care and potential administration of incorrect medications
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See paragraph 6, 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:** If, in the future, there is a requirement to change the normal and emergency power distribution and load requirement capabilities for the entire facility, then we will consider all manufacturers of ATS's with the appropriate performance specifications.

Part 806.3 Other Than Full and Open Competition (OFOC)
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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, with [REDACTED] complete to the best of my knowledge and

[REDACTED]

Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:

a. [REDACTED]

[REDACTED]