

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

**Acquisition Plan Action ID:** 36C244-23-AP-1499

**Contracting Activity:** Department of Veterans Affairs, VISN 4, Network Contracting Office 4, 1601 Kirkwood Highway, Wilmington, DE 19805. PR#: 542-23-1-5483-0007

**1. Description of Action:**

The Coatesville VA Medical Center has a new brand name requirement for two (2) Bullard NXT 320 Res Thermal Imager with Retractable Lanyard.

**2. Description of Supplies or Services:**

The estimated value of the proposed action is \$ 16,100.00.

The Coatesville VAMC has a brand name only requirement for two (2) Bullard NXT 320 Res Thermal Imager with Retractable Lanyard. These two cameras will replace older versions. The facility has replaced two others last year. We are request brand name because they will be able to use the existing charging/docking stations in the fire station and the fire response vehicles.

<u>CLINS</u>	<u>Description</u>	<u>QTY</u>	<u>Unit of Issue</u>	<u>Unit Price</u>	<u>Total Price</u>
0001	Bullard NXT 320 Res Thermal Imager w/ Black Lower and Red Upper. Small Handheld thermal Imager. NFPA 1801 Certified.	2	Ea	\$ 8,050.00	\$ 16,100.00
0002	XT Series Retractable Lanyard	2	Ea	\$ -	\$ -
			<b>Total Contract Price</b>	<b>\$ 8,050.00</b>	<b>\$ 16,100.00</b>

**3. 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).

( ) FAR Subpart 16.505(b)(2)(i)(F) In accordance with section 1331 of Public Law 111-240 (15 U.S.C. 644(r)), contracting officers may, at their discretion, set aside orders for any of the small business concerns identified in 19.000(a)(3). When setting aside orders for small business concerns, the specific small business program eligibility requirements identified in part 19 apply.

**4. Rationale Supporting Use of Authority Cited Above:**

The Coatesville VAMC Fire Department currently uses the Bullard NXT 320 Res Thermal Imager with Retractable lanyard for fire suppression and life saving applications. The two new cameras will be in conjunction with the existing cameras, therefore the vendor will supply the same model Thermal Imager to allow for faster transition and the ability of firefighters to use the thermal imagers with no additional training between the units, as these will be used for the safety of victims and for firefighters to quickly locate means of egress.

The camera systems charging infrastructure is currently in place at the fire station. The quote maybe for a full system with chargers or cameras only, as a package deal may in some cases be cheaper to the government then cameras alone.

**6. Efforts to Obtain Competition:**

GSA Advantage only has item available through one vendor.

**7. Actions to Increase Competition:**

GSA Advantage search.

**8. Market Research:**

GSA Advantage search.

**9. Other Facts: None**

**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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Claresa D. Whitfield  
Business Manager

**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:

Cost is anticipated to be fair and reasonable upon receipt of adequate price 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.

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Ronald Kline,  
Contracting Officer  
NCO4 Commodities 3