

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

Acquisition Plan Action ID: 36C244-22-AP-6339

1. **Contracting Activity:** Department of Veterans Affairs, VISN 4, Network Contracting Office 4, 1601 Kirkwood Highway, Wilmington, DE 19805. PR#: 646-23-1-5675-0022

2. **Description of the Action:**

This procurement is for the acquisition of Brand Name specialized furniture for a new Community Based Outpatient Clinic (CBOC) located in Monroeville, PA. This Brand Name Specialized furniture and Workstation requirement is specially designed for exam rooms in the new CBOC. Award will be made via a delivery order against one of the mandatory National VHA IDIQ furniture contracts holders in Region 1.

Item #1 – Special Purpose Police Chair³

The estimated value of the proposed action is \$2,169.92

Item #7 – Workstations

The estimated value of the proposed action is \$908,153.81

Item #8, 23 thru 27, and 29 thru 34 -Patient Seating

The estimated value of the proposed action is \$421,997.88

Item #42 – Physicians Stool with Back

The estimated value of the proposed action is \$33,359.04

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

Item #1: TS1.1 -Special Police Chair : Office Master

– IU79PD / JSN: F0300.1

Item #7: MD2 / MSF1 / Office space and Workstations – layouts as noted in drawings.

– Basis of design is Herman Miller Canvas / Haworth Compose Series to match existing furniture.

Overall Features & Options

Item #8, 23 thru 27, and 29 thru 34: Carolina Serony -

– 1488-Motion-MT / 1472-OB-MT / 1472-MT / 472-2-MT / 1472 / 472-1-MT / 472-2-MT

Item #42: PP1 – Physicians Stool: Carolina / Stray

– 2501-B

All line items to include delivery and installation according to the manufacture.

The total estimated value of the proposed action is \$1,365,680.65

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 (VOS

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

The items for this requirement are available on the mandatory VA multiple award IDIQ contracts. This acquisition is in support of the new a CBOC Building in Monroeville, PA but will still utilize the VA Pittsburgh's existing inventory at Heinz Campus when needed to repair, replace or reconfigure spaces.

Item # 1 – The specialized police chair has multiple standard options but what makes this particular task chair specific for police in that the fabric is designed to withstand their specialized ballistic nylon overlayer to protect the bottom half of the backrest from excessive wear from the police uniforms and protective gear, the arms are designed to completely fold away so that their guns don't get caught up in the mechanisms. The chair is rated for 24/7 350LB use.

Item #7: MD2 / MSF1 / Office space and Workstations, Herman Miller and Haworth products meet and exceed all of the VA's Cleaning and Infectious Control Standards and have proven to be highly reliable where other products have failed.

Utilizing these same lines of furniture allows VAPHS to maintain continuity between the two campuses and allows for cost savings as with another manufacturer's components will be incompatible with the existing inventory of Haworth and Herman Miller items. The Herman Miller and Haworth lines of furniture products were used as the basis of design for the

Heinz and University Drive facilities. Maintaining an inventory and rotating stock limited to the Haworth and Herman Miller brands provides for cost savings opportunities and efficiencies that would not be realized in a competition allowing for additional brands.

The Medical Centers located at both Heinz, University and the new Monroeville CBOC are not static entities and require flexibility in the form and function of their usable spaces at any given time. Everything from construction projects, program changes, growth, reduction and the Covid-19 Pandemic, etc., could necessitate the conversion of administrative space to clinical space or vice versa in order to meet the facility's everyday mission. Having a static and rotating inventory with modular compatibilities is critical in allowing VAPHS to provide furniture and workstations wherever and whenever needed. The following cost savings opportunities and efficiencies are expected with the limitation of brands applicable to this acquisition:

a. By adding to an existing inventory of modular components, the facility will experience a reduction in the time and effort required to plan, coordinate and accomplish required furniture reconfigurations, resulting in an overall cost savings to the Government with respect to labor required to make the needed changes.

b. Having a standardized and professional visual appearance within the VAPHS facilities contributes to the facility's mission by enhancing the VA image and promoting the trust of those Veterans choosing the VA as his or her healthcare provider.

c. Having an existing inventory other than these two existing brands requires a great deal more space in the VAPHS facilities than is currently available. Space is a major consideration when seeking to store and rotate furniture and limiting the needed items to the two identified brands allows the facilities to maintain adequate and appropriate quantities without the need to build or lease additional storage space.

Item #8, 23 thru 27, and 29 thru 34

Carolina Serony line of furniture offers a complete set of standards for patient furniture. The line has a wide range of interchangeable seating: Patient / Guest / Multiple / Bariatric / lounge, covering all seating for patient care. The seating is designed for high traffic spaces with utilizing metal frames, solid surface arm caps, wall saver design, specialized patient seating with motion back. Utilizing one complete line allows for the VA to maintain continuity in both durability and cleanability. The Serony family of seating was reviewed and selected by the VA CBOC Multidiscipline Group that included: Facilities Management, Physicians, Nursing Staff, Patient Safety, Safety, and Infectious Control which all concurred that easy cleanouts, removable/replaceable seat and back covers, corian arm caps, metal structure and the ability to interchange the furniture from one area to another when needed was the suitable selection for our needs for the new CBOC facility. All finishes on the seating was reviewed and authorized by Infectious Control for cleaning and disinfecting purposes. No surface wood has been specified on the entire project due to this reason, the full metal structure allows for durability for every day heavy usage. The interchangeability is a must as we do not have the space in the exam rooms and specialty rooms for two guest chairs. If there is a need, a patient chair can easily be swapped out for a bariatric chair or a lounge chair depending on the needs of the patient or a patient guest.

Item #42: PP1 – Physicians Stool – Carolina Stray

The Stray stool is very different than other physician stools available in the market place, height flexibility is different as most physicians stools have only a range from 18" to 24" this stool is 20" to

27.5" which will allow the staff to work at the desk unit versus having two chairs within the room, one for patient exam and one for the desk. The chair also comes with two other options that are unique; the back is a molded plastic for easy cleanability and the other is the pneumatic lift location is under the seat versus to the side. Facilities Management, Physicians, Nursing Staff, Patient Safety, Safety, and Infectious Control all concurred that cleanability, design has limited visible mechanisms, the user use and limiting only 1 chair for the exam room made this their selection of choice. Another type of stool will require the VA to purchase a 2nd chair for each of the exam rooms for use at the desk units in each area.

6. Efforts to Obtain Competition:

A Request for Quote will be issued to all nine Region 1 contract holders in an attempt to obtain maximum practicable competition. A copy of the justification will be sent to the nine IDIQ holders along with a copy of the Request for Quote.

7. Actions to Increase Competition:

Future requirements for furniture that do not fall under a mandatory National IDIQ will be competed to the maximum extent practicable.

8. Market Research:

Market research was completed by installing and reviewing multiple vendors products and reviewed by multiple disciplines. Disciplines included: Facilities Management, Physicians, Nursing Staff, Patient Safety, Safety, OI&T and Infectious Control.

Limited market research was conducted, as these items must be acquired via the National VHA Furniture IDIQ contracts which became mandatory for use effective December 3, 2018.

9. Other Facts:

Product has been specified and utilized by other VA's across the country with exceptional results.

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.

Rochelle E
Landowski 657312

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Landowski 657312
Date: 2022.09.08 07:40:43 -04'00'

Rochelle E. Landowski
Interior Designer
VA Pittsburgh

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: *(insert the methods that will be used to determine a fair and reasonable price).*

Cost is anticipated to be fair and reasonable based upon adequate competition among the Region 1 IDIQ contract holders.

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

RONALD J.
KLINE 152627

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RONALD J. KLINE
152627
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Ronald Kline
Contracting Officer
NCO4 Commodities 3

- 13. Approvals in accordance with the [VHAPG Part 816.505 Indefinite Delivery Contracts: Ordering:](#)**

- a. One Level Above the Contracting Officer (Required over SAT but not exceeding \$750K):** I certify the justification meets requirements for other than full and open competition.

DANIEL P SHEA
179453

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SHEA 179453
Date: 2022.09.08 12:35:35
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Daniel P Shea
Branch Chief
NCO4 Commodities 3

HIGHER LEVEL APPROVAL (Required *for orders over \$750,000*):

- b. VHA Advocate for Competition/Head of Contracting Activity (HCA) REVIEW AND APPROVAL (over \$750,000 to \$15 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

JOSEPH MALETTA
1347841

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MALETTA 1347841
Date: 2022.09.27 11:14:28
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Joseph P. Maletta
Executive Director
Regional Procurement Office- East