Procurement Package Checklist

Purpose: To ensure standardization of the submission process for equipment and supply projects the below check list will accompany the request for procurement. Please ensure all VHA policies and directives are being applied to this acquisition request.

ALL DOCUMENTS ARE TO BE PROVIDED ELECTRONICALLY. IOTA Contractors should use most recent templates available.

DATE:____________________ **2237#** ____________________________

COR NAME (if applicable—VHAPM Part 801.603- COR SOP):

COR PHONE # _________________________

COR TRAINING COMPLETE______________________________**Link to: COR Nomination Memo**

	Enclosed	Not Required
1. Provide users of supply/service by department, name and phone number. List must include a person and/or user group responsible for quality requirements of the contract. List the **department(s) who will use the supply or service** being requested. **Include VA contact information** for each department. ☐	☐	☐
2. 2237 FUNDED 2237 #: The project needs to be funded before moving forward. If it is unfunded, please speak to the activation COR and the Contracting Office. For more information on procurement package submittal, please visit the VHA Procurement Manual Volume Three Chapter II – Customer Reference Guide	☐	☐
3. IT Tracking Number: Provide IT tracking number if this is an IT requirement. Contact your local ISO to determine if your requirement requires a tracking number. Contact the System Administrator (IRM) and your COR to determine if your request is an IT requirement. If you do have an IT requirement you must submit the required attachments such as statement of work, independent government estimate, copy of 2237, etc. in to the below listed portal. Tracking is on “VA IT Acquisition Request System” (ITARS): http://vaww4.va.gov/itt/default.asp. If your request has not been entered into the IT System’s portal, it will be returned to the IT Department until it has been input into the new portal.	☐	☐

	Enclosed	Not Required
4. Is this a recurring requirement? If it is, provide the following: Prior Contracting Officer:_______________________ Prior year IFCAP Purchase Order number: ______________ Prior year contract number (current or expired):____________ The requested information can be found in the IFCAP database. For help accessing the IFCAP database, please contact IRM support.	☐	☒
5.List any VA Directives or policies that the supply or equipment being purchased must comply with: A reference of most Directives and policies can be found here: http://vaww.va.gov/vapubs/index.cfm. Contact your COR, end users, and/or subject matter experts to learn more about VA Directives and policies that the item you are purchasing must comply with.	☐	☐
6. Veterans First Contracting Program: When determining **source of supply,** reference FAR 8.002 and VAAR 808.002 in Class Deviation—Implementation of the Veterans First Contracting Program. Please ensure the "Rule of Two" is adhered to. If you have questions, consult with your Contracting Officer. The order of sources for competitive actions is as follows: • GSA Contracts: Veteran-Owned Small Businesses verified in VIP) • Existing contracting vehicles such as IDIQs and BPAs: Veteran-Owned Small Businesses verified in VIP • Open Market: Service-Disabled Veteran-Owned Small Business (SDVOSB) verified in VIP • Open Market: Veteran-Owned Small Business (VOSB) verified in VIP • GSA Contracts: Other than veteran-owned • Contract Vehicles such as IDIQ's and BPA's: Other than veteran-owned • Open Market: Other than veteran-owned	☐	☐

	Enclosed	Not Required
7. Sole Source: If a sole source is requested, a **justification and approval (J&A) document** is required. Reference FAR 13.106-1(b) for purchases not exceeding the SAT under FAR Part 13, VHAPM Part 813.5 for the template J&A for requirements over the SAT under FAR 13.5, and VHAPM Part 808.405-6 "Limited Sources" for FAR Part 8 requirements (FSS). Attachments in this section include the template limited sources document for below and above the SAT. The justification document is a collaborative effort between the requiring activity and the contracting office and must be initiated by the requirements office by filling out the form and submitting it to the contracting office with the original procurement package. Please contact your NCO to determine which justification template in Table 3.1.3 of VHAPM Part 806.3 Other Than Full and Open Competition SOP is appropriate for your sole source request. Note: If the item you are purchasing must be provided by only one company- a specific item only offered by one supplier for example - you must provide convincing and thorough evidence that only one company can meet the requirement. This justification should demonstrate that the specific equipment or product you are requesting is not only a preference but that it is also a necessity.	☐	☐
8. **Federal Supply Schedule (FSS):** Is the item(s) on GSA/FSS? If item(s) is/are on FSS, were multiple FSS vendors considered? If yes, please provide documentation on why the selected vendor is the best value. GSA Contract Number: ______________________ Search the FSS website to determine if the item is available on it. If it is, write the GSA/FSS Contract Number in the space provided above. If a multi-item procurement, all items should be available under one schedule. Show documentation for the vendor with the best value. If the item is part of a Bulk Purchasing Agreement (BPA) please write any details of that agreement in this space. Refer to block 6 above for contracting preference priority	☐	☐

	Enclosed	Not Required
9. Functional/Performance/Specification/Salient Characteristics: (Word Doc) Describe equipment/supply use. If brand name items are requested, it must be supported by a sole source justification. In this word document describe the equipment and/or supplies you will need in detail. Focus on the functionality of the items you would like to purchase and the end results they will help you accomplish. Include enough information so that someone with no knowledge of the project will understand what will be needed. In general, one or two sentences will not suffice, more detail is needed. Sample Specification language, Performance Work Statements (PWS), and Statement of Works (SOW) are available in the: **VHA Acquisition Business Intelligence Tool (VABIT).**	☐	☐
Applicable Drawings/Schematics: Provide any applicable drawings, maps, schematics in electronic format (if required) – example furniture or kitchen equipment purchases where space is a critical element for dimension or installation location requirements. In order to ensure that your product fits in its desired location, provide detailed drawings, maps or schematics of the area it will eventually reside in. The more detailed your drawings the less likely the error in size/fit of your requested item. This step is especially important for furniture and equipment that will take up a lot of a room's space.	☐	☐

	Enclosed	Not Required
10. Delivery/performance information, date item(s) required. A reasonable delivery date must be considered. Write the date (or milestone) the item is required for the activation of the facility (e.g. 1 day after BOD, 30 days prior to Day One, 90 days ARO). Remember, there is a built in minimum timeline due to the various mandated steps in the contracting process. The number of days listed below represents the minimum number of days you can expect the CO to award a contract or issue a TO/DO after a completed and executable procurement package has been received by the CO. The estimated timelines after an executable package is received by the CO are listed below. Note these timelines do not account for the time from receipt of the package until found executable by the CO or any clarifications the CO must receive from the vendor. Consider the below time ranges as a guideline: a. Blanket Purchase Agreement (BPA) Call < $1M: 90 days b. Federal Supply Schedule (FSS) Task Order (TO)/Delivery Order (DO) < $1M: 120 days c. BPA Call and FSS/IDIQ TO/DO > $1M < $5M: 146 days d. BPA Call and FSS/IDIQ TO/DO >$5M: 175 days e. Open Market Procurements > $250K < $7M: 215 days f. Open Market Procurements Over $7M: 245 days After writing your delivery date, please also include detailed delivery instructions including the specific location you want the item delivered to, any necessary special delivery vehicles or requests, and any other information that could help ensure a smooth delivery.	☐	☐

	Enclosed	Not Required
11. Market Research: Provide market research documentation to support procurement requests, including sole source requirements. If available, attach any vendor quotes. Please use the **Market Research Form Template** (template included) attached in the IOT&A contract. The first step in market research is to determine if your requested item must be purchased from a mandated source (i.e., Ability One or FPI). Check with the COR and/or CO to determine if your requested item is part of any Prime Vendor, eCAT, National Committed Use Contracts, Mandatory Suppliers List, Bulk Purchasing Agreement, VHA Directive, Federal Supply Schedule (FSS) or other mandated purchasing list. If it is, include this information in the Market Research Worksheet with a copy of the mandating source. If not, then conduct your own Market Research to help determine the best source for the procurement package. Market Research sources include: Manufacturer and Dealer catalogs, product brochures, trade journals, FSS, government economic data, and prospective vendors. If you are requesting that the item is purchased from only one specific company or vendor you must demonstrate detailed need for that one specific item and prove that it is unavailable through other companies/ vendors. Refer to block 7 above.	☐	☐

	Enclosed	Not Required
12. Independent Government Estimate (IGCE): Information on how to develop an IGCE can be found here: VHA Procurement Manual Volume Three Chapter II Appendix B - IGCE Guide. An IGCE is required for each procurement package. The IGCE serves as an important basis for determining the reasonableness of an offeror's proposed costs and understanding of a given solicitation. The IGCE is considered source selection information, and it should not be shared with anyone outside the VA Acquisition Team and IOT&A contractor personnel who have signed an NDA. Please provide the methodology and data used to develop the estimate. A sample template is located in in Customer Reference Guide Chapter 10 Independence Government Estimate. If requirement contains multiple line items, the IGCE should be broken down by line item. In general, the most reliable estimates: • Are made by someone who knows the product • Relies on the statement or scope of work documents • Considers last price paid, general market price changes, current commercial market price, price lists, quantity price breaks and possible substitutes • Applies market research above to the actual product procurement at hand • Uses quantitative techniques to determine the cost and does not rely on professional judgment • Researches historical acquisition trends	☐	☐

	Enclosed	Not Required
13. Security: Identification of a position's risk level as it relates to the efficiency and integrity of the Federal service; and identification of a position's sensitivity level as it relates to a position with national security interests in accordance with VA Directive 0710. **YES NO** ( ) ( ) Will contractor work on VA property to install equipment? ( ) ( ) to a potentially sensitive area? • **Completed Security Assessment Form [Position Designated Automated Tool (PDAT)]**. If applicable, the automated tool can be found here: OPM Position Designation Automated Tool.	☐	☐
ISO certification that requirement does or does not require applicable security clauses in accordance with VA Directive 6500 and 6500.6 which applies to all VA contracts in which VA sensitive information is stored, generated, transmitted or exchanged by a VA contractor, subcontractor or third-party, or on behalf of any of these entities regardless of format and whether it resides on a VA or a non-VA system, for the contractor, subcontractor, or third party to perform their contractual obligations to VA for the acquisition of goods or services where they stand in lieu of VA and act on VA's behalf. **The Checklist for Information Security Appendix A ("Appendix A")** of VA Handbook 6500.6 Contract Security must be completed for ALL acquisitions, with the exception of expendable supply items, which are defined in VA Handbook 7002, PART 3. CLASSIFICATION OF PROPERTY. The REQUESTER must include the phrase "expendable supply item" on the VA Form 2237 for all requirements of expendable supply items. Please use the 6500.6 Appendix A provided by Contracting. **YES NO** ( ) ( ) Will the contractor have access to the VA computer system/sensitive information? ( ) ( ) to patient records? ( ) ( ) will work on VA property • Completed Security Assessment Form (VA 2280a).	☐	☐
YES NO ( ) ( ) Is a **Business Associate Agreement** Required? Send a copy of your Statement of Work and your attempted answers to the questions above to the ISO and PO and wait for their feedback. You may need to have a conversation with the ISO and PO to further justify or explain your answers.	☐	☐

	Enclosed	Not Required
14. Pre-Procurement Assessment (PPA) for Medical Device/Systems Veterans Affairs (VA) Directive 6550 establishes the technical PPA requirements for medical devices and medical systems that are connected to the VA information networks and medical devices that store sensitive patient information. All medical devices/systems are to be assessed prior to procurement and during the acquisition process based on the following factors: These factors include, but are not limited to, establishing technical requirements to support intended clinical use, human factors engineering, reliability, safety, integration, and available space and utilities. The PPA serves as the multi-disciplinary (BME, OIT and ISO) technical review and approval process. As such, IT Tracker number (ITAR) is not required. Where medical/devices are procured off contract vehicle such as SEWP, that requires ITARS number, 6550 will be used as the default number. Evaluating the configuration and security profile of medical devices during the acquisition planning process will identify potential risks and ultimately provide for more effective and safe integration of medical devices into hospital operations. Key organizations involved in this process are: Biomedical Engineering, Information Technology, Information Security, and Contracting and Contractor. Does this medical/device store patient data and will be connected to VA information network? **YES ( ) NO ( )** **If yes:** Was Biomedical Engineering involved in the PPA process? **YES ( ) NO ( )** To ensure that Biomedical Engineering was properly engaged in the procurement of all medical device/systems, **a completed copy of the 6550 Appendix A** must be submitted with the procurement package**.**	☐	☐

	Enclosed	Not Required
15. Evaluation Criteria for other than Lowest Price Technically Acceptable (LPTA) Actions: **Provide evaluation criteria to always include Price and Past Performance.** Additional factors, such as Management Approach, Technical Capability and Quality Assurance may also be included if applicable. For each factor, please describe the information to be requested from the offerors that will be used to evaluate the quotes. Evaluation factors are the standards against which a Technical Evaluation Board measures the quality of each quote. For this section, clearly state all the evaluation factors that you will consider in making the source selection and their relative importance. These factors inform offerors of all the significant considerations in selecting the best value source and the relative importance the Government attaches to each of these considerations.	☐	☐
16. Evaluation Team: Provide a list of recommended technical evaluation panel members. Technical evaluation panel members must be Government employees. Make sure they are subject matter experts. Provide names of Government personnel to serve on the evaluation team. Contracting will provide a Non-Disclosure Agreement (NDA) to be signed prior to evaluation of quotes. Source selection is an inherently governmental function. IOT&A contractor employees *advising* the technical evaluation panel must sign an NDA. Please familiarize yourself with FAR 3.104 – Procurement Integrity. Provide names of subject matter experts who are agreeable and available to offer guidance on the vendor selection process. These people should have a very good knowledge of the product(s) and its actual usage.	☐	☐
17. Identify each contractor that participated or assisted in the development of the complete acquisition package: List the Activation Contractor and/or any subcontractors participating in the development of the complete acquisition package. Contractors and subcontractors participating in the development of an acquisition package may not be permitted to submit offers on the resultant solicitation for that package due to Organizational Conflict of Interest regulations (see FAR Subpart 9.5 – Organizational and Consultant Conflicts of Interest).	☐	☐

A Market Research Report documents market research in a manner appropriate to the size, complexity, and urgency of an acquisition. In consultation with the Contracting Officer (CO), the following template can be tailored to a requirement's market research needs. Use only those sections applicable to your requirement. If a section is not applicable, it should be so identified and supported by a brief explanation. Note: This template is not applicable to Sole Source Affiliate Contracts under Title 38 U.S.C. 8153 conducted under VA Directive 1663. Market Research for these requirements are captured on the MSO IGCE templates in the Planning Section of the MSO Customer Resource Center.

Title of Program/Project/Requirement: Include name of project here

REMINDER: **Remove all guidance language shown in red (or blue above) in the final document.**

PART I – TO BE COMPLETED BY PROGRAM/PROJECT MANAGER/PLANNER

I. Authority.

Market research is required in accordance with:

- FAR 7.102, Acquisition Planning Policy
- FAR 7.103(u)(1) and (2), Agency-Head Responsibilities
- FAR 10.001, Market Research Policy and VAAR 810.001-70 (Class Deviation)
- VAAR 813.003-70(c), Policy (Class Deviation)
- FAR 19.202-2, Locating Small Business Sources and VAAR 819.202 (Class Deviation)
- FAR 25, Foreign Acquisition

II. Procurement Information.

A. **Procurement History**. **(Please remove all language labeled guidance in the final document)**

Click here to enter text.

Guidance: ***Provide a short narrative addressing the following:***

1. *Was the requirement previously procured? If so, identify the contractor and Small Business size status of the entity. Is this a follow-on acquisition? Identify any changes in the marketplace since previous procurement(s) (suppliers, trends, technologies).*
2. *Is this a bundled (FAR 2.101) requirement? If so, consult FAR 10.001(c).*
3. *Are there any applicable Organizational Conflicts of Interest?*

B.* <u>Procurement Background</u>.** ***Guidance: Describe the background of the procurement and circumstances/events leading up to the requirement. Include:

- **Program Office & Other Key Stakeholders**
- **Program Office Point of Contact**

Click here to enter text.

Name	Title	Office	Telephone	E-mail Address

- **Type of acquisition (service or supply)**
- **Expected dollar value of requirement**
- **Suggested 2017 NAICS code(s)**
- **Time frame in which the market research was conducted**

III. Initial Requirements

- **Describe the Government's requirement in terms of:**
  - **Functions to be performed**
  - **Services or Performance required and/or**
  - **Essential physical characteristics**

- **Describe schedule requirements, e.g., performance periods and/or delivery due dates.**

- **Discuss any cost effectiveness issues associated with the requirements**

IV. Participants in Market Research

Describe the involvement of the individual Acquisition Team members and any other participants in the market research effort. (The titles listed in the table below are examples.)

NAME	TITLE	OFFICE	TELEPHONE	E-MAIL ADDRESS	MARKET RESEARCH ROLE
	Program Official				
	Contracting Officer (CO)				
	Contract Specialist				
	Contracting Officer's				

	Representative (COR)				
	Small Business Liaison				
	Other				

V. Market Research Techniques and Sources

A. Market Research Techniques Describe techniques and sources used during market research. The following table may help structure and summarize the techniques used in the market research effort.

The above general areas start driving the discussion of the different kinds of market research techniques that may be available to consider and begin to frame how in-depth your market research might go. It starts the planning process for your market research.

Check X IF USED	SOURCES USED IN MARKET RESEARCH	DETAILS OF RESEARCH/COMMENTS
	RESEARCH SOURCES	(INCLUDE REFERENCES TO ATTACHMENTS TO REPORT) (e.g., List of Journals and Literature Reviewed included as Attachment 4 to this report)
	Acquisition history reviewed	
	Other recent market research reviewed	
	VA Vendor Information Pages (VIP) https://www.vetbiz.va.gov (including any information supporting price reasonableness)	
	Interviewed knowledgeable individuals in industry/Government	
	Participated/Attended Tradeshows and Industry Conferences	
	Professional Journals, Catalog and/or Product Literature reviewed	
	Participated in Small Business Vendor Outreach Sessions	

B. Market Research Sources. In accordance with FAR part 10 and VAAR part 810, market research has been conducted for this acquisition. The following additional collaborative Contracting Officer-led techniques were used: (If necessary, work with your Contract Specialist and/or Contracting Officer to assist with filling this section out)

	SOURCES REVIEWED **(IAW FAR 8.002, VAAR 808.002, FAR 8.003, FAR 8.004, and VAAR 808.004-70)**	
	MARKET RESEARCH FOR SUPPLIES	
Insert X if Checked		**Details of Research/Comments (Include N/A if not applicable)**
	MANDATORY GOVERNMENT SOURCES IN PRIORITY ORDER **See VAAR 808.002 for further guidance on other mandatory Government sources**	**(Include References to Report Attachments)**
	1. VA Inventories including the VA supply stock program (41 CFR 101-26.704) and VA excess.	
	2. Excess from other agencies (See FAR subpart 8.1)	
	3. Federal Prison Industries* (FPI) (See VAAR 808.603 Purchase Priorities)	
	4. Supplies from Ability One - (VA AbilityOne Procurement List for Supplies/Services) (FAR 8.002)	
	5. Wholesale Supply Sources (GSA website: https://www.gsaglobalsupply.gsa.gov/advantage/main/start_page.do?store=FSS)	
	See VAAR 808.002 for further guidance on other mandatory Government sources	

Insert X if Checked	**VETERANS FIRST CONTRACTING PROGRAM (VAAR subpart 819.70) REFERENCES/SOURCES CHECKED**	**Details of Research/Comments**

	(IDENTIFYING VIP VERIFIED SDVOSBs/VOSBs)	(Include References to Report Attachments)
	VA Office of Small and Disadvantaged Business Utilization (OSDBU), Center for Verification and Evaluation (CVE) Vendor Information Pages (VIP) Database found at https://www.vetbiz.va.gov	
	System for Award Management (SAM) search for entity records at: SAM.gov | Search	

Check X if Part of Research	PRIORITY CONSIDERATION OF VA EXISTING CONTRACTS	
	1. See VA PPM (2016-05)(Revised AUG 2019) - Implementation of the Veterans First Contracting Program (VIEWS 01368239) concerning consideration of existing VA contracts and VA strategic sourcing regarding supplies in FSC Groups 65 and 66.	
	2. Other VA Existing Contracts (non-mandatory but their potential availability, scope, contract type, etc., should be documented in the market research report) (**Note:** These may be priority sources, and should be considered when developing alternatives for the acquisition strategy. Review and document in a written acquisition plan, if required, or in the acquisition file regarding rationale for use or non-use.)	
Check X if Part of Research	CONSIDERATION OF NON-VA EXISTING CONTRACTS Federal Strategic Sourcing Initiatives or OMB Category Management contracts/sources (Non-Mandatory except where OMB or Agency policy states otherwise)	
	1. Non-VA Contracts: (Includes NASA-SEWP and BPAs under FSS Strategic Sourcing Initiative (FSSI) non-mandatory Federal Supply Schedules (other than for FSC Group 65 and 66) (FAR 8.004(a)(1) and VAAR 808.004-70).	

	(See Note Below: These should be considered, as applicable, as potential alternatives when developing alternatives for the acquisition strategy. **Note 1**: Some select contract vehicles may require use based on OMB or agency guidance including OIT issued Standard Operating Procedures such as: • OMB Memorandum M-17-29, “Best-in-Class Mandatory Solution – Package Delivery Services,” July 27, 2017. • OMB Memorandum M-16-02, “Category Management Policy 15-1: Improving the Acquisition and Management of Common Information Technology: Laptops and Desktops,” October 15, 2015 • VA Deputy Secretary Memorandum, “Waiver Revision to the Mandatory Use of Solutions for Enterprise-Wide Procurement (SEWP) IV Contract” (VAIQ 7343830), May 16, 2013, and Principle Executive Director, Office of Acquisition, Logistics, and Construction and Chief Acquisition Officer Memorandum, “Implementation of Information Technology (IT) Hardware (HW) Commodity Procurement, March 7, 2014 • OMB Memorandum M-16-12, “Category Management Policy 16-1: Improving the Acquisition and Management of Common Information Technology: Software Licensing, June 2, 2016 • OMB Memorandum M-16-14, “Category Management Policy 16-2: Providing Comprehensive Identity Protection Services, Identity Monitoring, and Data Breach Response, July 1, 2016 • OMB Memorandum M-16-20, “Category Management Policy 16-3: Improving the Acquisition and Management of Common Information Technology: Mobile Devices and Services, August 4, 2016	
	2. Non-mandatory Federal Supply Schedules (non VA) (See FAR 8.004(a)(1) and VAAR 808.004-70, Use of non-mandatory sources by VA (Class Deviation). These are general FSS (non-VA FSS). Use is not mandatory although acquisition planners are	

	encouraged to consider and document the availability of this acquisition methodology in their market research as a potential acquisition strategy. Many factors should be considered including meeting small business requirements, whether this is the best procurement approach, whether better terms and conditions specific to the acquisition requirement may be obtained conducting a procurement through the open market, access to more verified SDVOSBs/VOSBs are available via the open market; whether the VA avoids fees and other costs of using other agency's multiple award vehicles and can better oversee the necessary contract administration, etc., including meeting the VA Rule of Two and specific agency requirements. Also, see FAR 8.404(b)(2), VAAR part 817, VAAM part M817 (when issued); and PPMs 2016-05 and 2017-04.	
	Use of Other Sources	
	Commercial sources (includes educational and non-profit institutions) in the open market. This is permissible IAW FAR 8.004 and VAAR 808.004-70.	
Check X if Part of Research	**Sources for services to consider, as applicable and as required**	**Details of Research/Comments (Include References to Report Attachments)**
	MARKET RESEARCH FOR SERVICES	
	1. **Services that are on the Procurement List maintained by the Committee for Purchase from People who are Blind or Severely Disabled (AbilityOne) (See FAR subpart 8.7)** **See VAAR 808.002, Priorities for use of mandatory Government sources, paragraph (a)(2) pertaining to Services.**	
	2. **Services: Federal Prison Industries (See FAR subpart 8.6) UNICOR Home Page** (Except if two or more SDVOSB or VOSB are identified, see VAAR 808.603)	
	3. **Also see--VA Federal Supply Schedules (FSS) in FSC Group 62I.**	
	4. **And see--mandatory sources reviewed, if applicable, for:** **4a. Public Utility Services (see FAR part 41);** **4b. Printing & Related Supplies (see FAR subpart 8.8);**	

	4c. Leased Motor Vehicles (see FAR subpart 8.11); **4c. Helium (see FAR subpart 8.5)**	
	5. Services: Commercial sources (includes educational and non-profit institutions) in the open market. See FAR 8.004 and VAAR 808.004-70—use of open market is a viable acquisition method/strategy and may be considered after conducting the appropriate market research and in consideration of the mandatory Government sources above, and the priority of VA existing contracts (medical) above. See FAR 8.004(a)-(b) and VAAR 808.004-70—open market is a viable acquisition methodology/source after consideration of VA FSC 65 and 66 VA FSS, and strategic sourcing vehicles.	

	VETERANS FIRST CONTRACTING PROGRAM (VAAR subpart 819.70)—REFERENCES/SOURCES CHECKED	
	Sources Sought Notices: Requests for Information (RFI) SAM.gov | Contract Opportunities	
	System for Award Management (SAM) search for entity records at: SAM.gov | Home	

	OTHER REFERENCES/SOURCES CHECKED **(Other ways to conduct or confirm market research)**	
	Sources Sought Notices: Requests for Information (RFI) SAM.gov | Contract Opportunities	
	Pre-solicitation and/or Pre-Proposal Conferences	
	Existing intra-/inter-agency contract vehicles, e.g. Interagency Contract Directory (ICD) at: https://www.contractdirectory.gov/contractdirectory	
	System for Award Management (SAM) search for entity records at: SAM.gov | Search	

	SBA Dynamic Small Business Database at: SBA - Dynamic Small Business Search	
	Department of Labor (DoL) Service Contract Labor Standards (Service Contract Act (SCA)) and Wage Rate Requirements (Davis-Bacon Act (DBA)) wage determination information online at: SAM.gov | Wage Determinations (SERVICES ONLY)	

VI. Identify Product/Services and Sources Able to Meet the Requirement *(DO NOT RANK)*

- **Identify or describe:**
  - **Product/Service, include any brand name product information**
  - **Product/Service characteristics and/or capabilities**
  - **Company information (e.g., name, POCs, address, telephone number, e-mail address, website)**
  - **Company characteristics, past performance, and business size category**
  - **If sole source, describe efforts to locate additional sources**

Business Category	Name of Potential Source(s)/Other POC Information
VIP verified Service-Disabled, Veteran-Owned (SDVOSB)	
VIP verified Veteran-Owned Small Business (VOSB)	
Woman-Owned Small Business (WOSB)	
Economically Disadvantaged Woman-Owned Small Business (EDWOSB)	
HUBZone Small Business	
Section 8(a) small business	
Small/disadvantaged business (SDB)	
Small business	
Large Business	

VII. Description of the Commercial Marketplace and Prevalent Business Practices

- Describe the marketplace
- Identify availability of commercial or non-developmental items that satisfy requirements (value or shortcomings of each) and sub-components
- State Nonmanufacturer Rule (NMR) Findings (if the acquisition is for manufactured products or other supplies) (See the Nonmanufacturer Rule Decision Tree to assist with this determination):

- Identify standard/customary terms and conditions and industry business practices that differ from the standard Government practices (include information on payment, freight delivery, acceptance, and warranties)

- Discuss if contract financing is applicable. If so, ensure compliance with FAR 32.202-3, Conducting Market Research About Financing Terms
- Discuss any regulations unique to the requirement, if known

VIII. Pricing and Market Issues

- Identify price sources (e.g., market price, catalog, GSA, etc.), price ranges, and price variations
- Describe market trends for product or service, e.g., technical, business, and pricing

IX. Other Considerations

- Identify other considerations gathered from market research, e.g., opportunities for small business participation
- Discuss qualifying factors, including such issues as past performance, references, product testing or evaluation, customer satisfaction, warranties, and quality problems
- Describe consideration of green (sustainable products and services https://sftool.gov/greenprocurement and http://www.gsa.gov/portal/content/105365. Include discussion of energy efficiency standards of market products, if applicable
- Discuss consideration to Buy American Statute. Does Buy American, Trade Agreement or an Exception to Buy American apply (FAR Part 25). Are there domestic end products available for this acquisition?

X. Market Analysis Summary ***(DO NOT RANK)***

- Provide market research conclusions and recommendations
- Document the decision and rationale to satisfy the agency's need with a commercial item/service, if market research so warrants
- Document the decision and rationale if the agency's need *cannot* be satisfied with a commercial item/service
- Provide supporting documents, as appropriate

XI. DETERMINATION: ***(Based on your market research describe if the market research would support if the acquisition can be set aside for SDVOSB/VOSBs and the other small business categories and if not, why it cannot be set aside for small business.)*** **[NOTE: The Contracting Officer makes the final determination concerning all set-aside decisions and compliance with the VA Rule of Two. The program/project management office's market research report will help inform the contracting officer's own research and determination of set-aside requirements.]**

Name: ________________________________ **Date:** _________________
Program Manager/Project Manager/COR

PART II – TO BE COMPLETED BY CONTRACTING OFFICER (*Note: If Part I was completed by the CO, there's no need to restate the same information in Part II—simply remove the COR's signature block and state "N/A" or "See Above" to any request for information that is duplicated in Part I*).

I. Contracting Officer Responsibilities:

Guidance: Requirements personnel and contracting officers must jointly gather market research data needed to make decisions. The contracting officer's responsibilities typically include conducting market research activities to specifically evaluate contract terms and conditions, commercial item determinations, warranty options, pricing arrangements, and prevalent market sector business practices. The contracting officer ensures this information is included in the market research report.

Contract actions awarded above the simplified acquisition threshold shall include documentation that market research was conducted. The contracting officer is the determining authority in deciding the quality and thoroughness of the market research activities conducted by the acquisition team. The contracting officer shall file the Market Research report in the contract file and forward a copy with all VA Form 2268 submitted for OSDBU review.

I. Background. The codes identified below will be used when advertising this requirement, if applicable. It is important to verify the accuracy of these codes as they are revised over time.

- **Title** ____
  Provide a brief description of the requirement to include any relevant history.
- **Product or Service Code**___________________ (**Product or Service Code**)
- **North American Industry Classification System (2017 NAICS)** ___________________ (**North American Industry Classification System (NAICS) U.S. Census Bureau**)
- **Estimated Contract Value (including options): $**_________________
- **Procurement History. (If different from the Program Manager or additional information discovered by the CO)**
  Insert the following for actions over the SAT and up to $1M: In accordance with FAR 7.102, contracting officers and acquisition planners are required to perform

acquisition planning and conduct market research. The following information is a summary of the acquisition planning: In submitting this request for procurement, the customer considered available sources within the agency, any government furnished information/property, and security considerations IAW VA Directive/Handbook 6500. The contract type for this procurement is (*Insert Contract Type*) and the milestone schedule will be accomplished and documented in the Electronic Contract Management System (eCMS).

- *Was the requirement previously procured? If so, identify the contractor and Small Business size status of the entity. Is this a follow-on acquisition? Identify any changes in the market place since previous procurement(s) (suppliers, trends, technologies).*
- *Is this a bundled (FAR 2.101) requirement? If so, consult FAR 10.001(c).*
- *Are there any applicable Organizational Conflicts of Interest?*

II. Market Research

1. Techniques Used in Conducting Market Research:

Guidance: *Identify the techniques used in conducting Market Research for this requirement and explain results. The following Market Research techniques are identified in FAR 10.002(b)(2) and include but are not limited to: publishing formal requests for information in appropriate technical or scientific journals or business publications; querying Government-wide databases of contracts and other procurement instruments or commercial databases; reviewing catalogs or other generally available literature published by manufacturers, distributors and dealers or available online; and conducting interchange meetings or holding pre-solicitation conferences with potential offerors. See Market Research Techniques in Section J of the Guide.*

2. Results of Market Research:

Click here to enter text.
Guidance: *List potential vendors and known sources of supply that could provide the product or service required. Include location, point of contact information and an assessment of their potential capabilities to meet our requirements. Identify the number of sources contacted; identify whether they were VIP-verified SDVOSB or VOSBs, also indicate woman-owned small business, Section 8(a) business, HUBZone small business, small business, small/disadvantaged business, large business, government/non-government, etc. If sole source, describe efforts to locate additional sources. Explain the rationale used to exclude sources and identify as appropriate any past experience or related experience relative to the product or service which may be used to identify potential acquisition risks.* ***Remember: In awarding contracts, VA VIP verified SDVOSB firms are the highest priority, followed by VA VIP verified VOSB firms.***

III. Consideration of Small Business Opportunities

Guidance: All acquisitions for supplies and services with an anticipated value above the micro-purchase up to and including the simplified acquisition threshold (SAT); these thresholds (see FAR 2.1-1 definitions) are reserved exclusively for small businesses and shall be set aside (*FAR 19.502-2(a))*. If the anticipated acquisition value exceeds the SAT, the requirement must be set aside for Small Businesses if (1) there is a reasonable expectation of receipt of offers from two or more responsible Small Businesses, and (2) award will be made at a fair market price (FAR 19.502-2(b)).

The VA's contracting order of priority is set forth in VAAR 819.7004: Contracting officers shall consider, in the following order of priority, contracting preferences that ensure contracts will be awarded—

- To SDVOSBs
- To VOSB, including but not limited to SDVOSBs,
- To small business concerns using the priorities and preferences in 819.203-70 and VAAR subpart 819.70—

  Note: The Small Business Jobs Act of 2010 created parity among small business socioeconomic contracting programs. As a result of this amendment to the Small Business Act, there is no order of precedence among the 8(a), HUBZone, SDVOSB or WOSB programs in FAR (see 819.203).

  38 U.S.C. 8127 (i) Priority for Contracting Preferences. Provides that preferences for awarding contracts to small business concerns shall be applied in the following order of priority: (1) SDVSOBs, followed by (2) VOSBs, including SDVOSBs, then (3) 8(a) and HUBZone firms and (4) any other small business. The order of priority was established in 2006 by Public Law 109-461, as per the policy in the Small Business Act at that time. Since then, as a result of legislative amendments to the Small Business Act, the FAR has been amended to create a woman-owned small business set-aside and to provide parity among the various small business socio-economic programs. Therefore, VA has adopted the current parity policy in FAR 19.203 for procurements involving other than SDVOSBs/VOSBs.

  Based on above Market Research, identify each Small Business (including its eligibility for specific socioeconomic category status) capable of performing or providing the requirement. Discuss and explain the potential for Small Business participation in this acquisition.

Click here to enter text.

IV. Conclusions and Recommendations

A. Query of the Vendor Information Pages (VIP) Database at https://www.vetbiz.va.gov resulted in:

Total of ______ small business concerns in each of the individual socio-economic group in 2017 NAICS ___________:

SDVOSB
VOSB

Identify the number and types of small businesses contacted.

Identify which, if any of the small business has the necessary technical capability.

B. Query of the SBA Dynamic Small Business Search (DSBS) tool at [SBA - Dynamic Small Business Search]), resulted in:

Total of ______ small business concerns in each of the individual socio-economic group:

SDVOSB
VOSB
Woman-Owned Small Business (WOSB)
8(a)
HUBZone
SB

Identify the number and types of small businesses contacted.

Identify which, if any of the small business has the necessary technical capability.

C. For acquisitions above the SAT, describe considerations for a set-aside or sole source award under the following small business program set-asides:

SDVOSB
VOSB
WOSB
8(a)
HUBZone

Identify the number and types of small businesses contacted.

Identify which, if any of the small business has the necessary technical capability.

D. When a total small business set-aside seems appropriate, describe why a set-aside is not appropriate for:

Service-Disabled, Veteran-Owned Small Business (SDVOSB)
Veteran-Owned Small Business (VOSB)
or
WOSB
8(a)
HUBZone
Detailed results of market research related to capabilities and other information on commercial practices, warranties, etc.:

IV. PROPOSED PROCUREMENT METHOD

Based upon the market research conducted and the resulting analysis, adequate sources of supply for small business concerns were obtained and after reviewing VA's VIP database to identify verified and capable SDVOSBs and VOSBs, the data supports setting aside the procurement to (*insert the socio-economic small business and related authority*. This recommendation will be provided in the formal acquisition plan or will stand alone as the sole acquisition strategy document for small business determination for informal acquisition planning. This market research information is not more than 12 months old.

Name: ________________________________ Date: ___________________
Contracting Officer

Or

Based on the market research conducted, no two or more VIP verified and capable SDVOSBs or VOSBs were identified and appeared capable of performing the requirement. In addition, no small business in any of the other targeted socio-economic groups appeared to qualify for a set-aside or sole source procurement. Therefore, it is anticipated that all sources (large and small businesses) will be solicited for this requirement using competitive procedures. This market research information is not more than 12 months old.

Name: ________________________________ Date: ___________________
Contracting Officer

Attachment 1: Streamlined Market Research Report

Requirement Title:

In accordance with FAR 7.102, contracting officers and acquisition planners are required to perform acquisition planning and conduct market research. The following information is a summary of the acquisition planning: In submitting this request for procurement, the customer considered available sources within the agency, any government furnished information/property, and security considerations IAW VA Directive/Handbook 6500. The contract type for this procurement is (*Insert Contract Type*) and the milestone schedule will be accomplished and documented in the Electronic Contract Management System (eCMS). The information below summarizes the market research results for this requirement. *Note: This template is not applicable to Sole Source Affiliate Contracts under Title 38 U.S.C. 8153 conducted under VA Directive 1663. Market research for these requirements are captured on the MSO IGCE templates in the Planning Section of the MSO Customer Resource Center.*

1. Objective: Per FAR 10.001(a)(2) and VAAR 810.001-70, this report is in support of (check as many as apply):

☐ A new requirement

☐ An acquisition with an estimated value in excess of the simplified acquisition threshold (see FAR subpart 2.1 for current threshold) (See Attachment 2: Market Research Report Template if action is over $250K)

☐ An acquisition with an estimated value less than the simplified acquisition threshold where adequate information is not available to develop the requirements package and the circumstances justify the cost of performing the market research; If so, explain

☐ An acquisition that could lead to a bundled contract (15 U.S.C. 644(e)(2)(A)) (see FAR subpart 2.1 for bundled contract definition);

☐ Other:

2. Background:

a. Description of service/supplies being requested:

b. Product or Service Code:

c. **2017** NAICS Code:

d. Size Standard for **2017** NAICS:

e. Estimated contract value (to include any option years): $

3. Market Research Methods/Techniques/Sources: In accordance with FAR Part 10 and VAAR 810, market research has been conducted for this acquisition. The following techniques were used and the timeframes/date of the research (check as many as apply):

- ☐ Used VA's VIP database to identify verified capable SDVOSBs and VOSBs. - All results must be attached to this report (including any information supporting price reasonableness).
- ☐ Applying personal knowledge in procuring supplies/services of this type.
- ☐ Contacting knowledgeable individuals in Government and industry regarding market capabilities to meet requirements.
- ☐ Reviewing the results of recent market research undertaken to meet similar or identical requirements.
- ☐ Publishing formal requests for information in appropriate technical or scientific journals or business publications.
- ☐ Querying the Government-wide database of contracts and other procurement instruments intended for use by multiple agencies available at www.contractdirectory.gov and other Government and commercial databases that provide information relevant to agency acquisitions.
- ☐ Participating in interactive, on-line communication among industry, acquisition personnel, and customers.
- ☐ Obtaining source lists of similar items from other contracting activities or agencies, trade associations or other sources.
- ☐ Reviewing catalogs and other generally available product literature published by manufacturers, distributors, and dealers or available on-line
- ☐ Conducting interchange meetings or holding presolicitation conferences to involve potential offerors early in the acquisition process.
- ☐ Conducting market survey:

☐ Other:

4. Nonmanufacturer Rule (NMR) Findings (if the acquisition is for manufactured products or other supplies) (See the Nonmanufacturer Rule Decision Tree to assist with this determination):

5. Market Research Findings (*Provide an analysis of the capability and capacity of potential sources. Provide detailed analysis for what the information means—avoid making general observations. Show how it reasonably evidences whether the VA Rule of Two can or cannot be met*):

6. Customary Commercial Practices/Standards (*An example of customary commercial terms and conditions is when procuring biological products, FDA standards must be complied with or minimum service industry standards must be met similar to OSHA, ISO 9000, Joint Commission Standards, etc.*):

7. Market Price: $

8. Acquisition History:

9. Buy American Statute: Determine applicability of Buy American Act, Trade Agreement Act, or exception to Buy American Act. Detail whether there are domestic end products available for this acquisition. Reference FAR 25

10. Other pertinent information (e.g., certifications/licenses required to perform the work):

11. Based on the above information, the basic clauses and provisions prescribed in FAR Part 12:

   ☐ Are sufficient for use in this acquisition and do not require any tailoring to be consistent with industry's commercial practices.

   ☐ Require tailoring to be consistent with industry's commercial practices as noted below. All such tailoring will be included in the solicitation issued for the required supplies/services.

   - Identify affected clause/provision paragraph and your recommended change(s); and

   The following sources (suggest a minimum of two for open market requirements and three for FSS requirements) appear qualified and interested to fulfill this requirement:

   Firm 1:
   Firm 2:
   Firm 3:

PREPARED BY:

NAME:

LOCATION:

DATE:

Section 10 – TO BE COMPLETED BY CONTRACTING OFFICER

Contracting Officer Responsibilities:

12. Recommendations (*State whether two or more VIP-listed SDVOSBs or VOSBs are capable of performing the work and likely to submit an offer/quote at a fair and reasonable price that offers best value to the Government. The record must include sufficient facts to support the CO's decision and a conclusion based on this analysis.*):

Name: ______________________________ **Date:** ____________________

Contracting Officer

INDEPENDENT GOVERNMENT COST ESTIMATE (IGCE) (Rev. 7-7-14)

Products (including software, licenses)

Item #	Description/Part Number*	Qty	Price	Extended Amount
	SUBTOTAL (Products)			

Services

Brief Description of Service*	Period of Performance		$s per Period	Estimated Amount
	No. of Months or Years	By Month or Year		
SUBTOTAL (Services)				

TOTAL IGCE	$ -

*Check block(s) below that describe the basis for the IGCE:		
Past Contract Pricing		☐
GSA Federal Supply Schedule Published Prices		☐
Government Wide Acquisition Contract (GWAC) Published		☐

Engineering Estimates		☐	
Informal Vendor Quotes		☐	
Prior Bills of Material		☐	
Prior Monthly Vouchers		☐	
Catalog Pricing		☐	
Other (*Please Explain*):			
POC NAME:		**Phone:**	
Email:		**Date:**	

		Month			
		Year			

DEPARTMENT OF VETERANS AFFAIRS

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

****NOTE FOR USER: TEXT IN RED ARE INSTRUCTIONS AND SAMPLE LANGUAGE ONLY AND SHOULD BE REMOVED FROM THE TEMPLATE BEFORE SUBMITTING FOR APPROVAL.**

Acquisition Plan Action ID:____

1. **Contracting Activity**: Department of Veterans Affairs, VISN XX, *XXXX* Medical Center
Fully identify the contracting agency and organizational activity responsible for the proposed contracting action. Identify purchase request (i.e. 2237) number, if applicable.

2. **Nature and/or Description of the Action Being Processed**: *Describe the action being reviewed and approved and state whether the action will be awarded as a new contract or by modification to an existing contract (identify contract number) and identify the type contract planned (e.g., firm-fixed-price, time and materials, labor hour, etc.)*

   An individual J&A cannot be used to support more than one contract, irrespective of the quantities or the dollar value stated therein. If a proposed contract will contain unpriced options (including NTE prices), those options must be supported by a separate J&A prior to option exercise or the J&A supporting the basic contract must be a Class J&A. *For Class J&A situations where the number of contracts in the class can be identified: (1) Provide brief general description of actions, (2) identify the document as a Class J&A, (3) identify the supplies and services that are being acquired, and (4) for each contract in the class identify the contractor; estimated value; type of contract and rationale for contract length; and estimated award date. Where the same information applies to more than one contract within the class, it need only be stated one time.*

3. **Description of Supplies/Services Required to Meet the Agency's Needs**: *Specifically describe the supplies and/or services to be acquired including the estimated value (including options) and quantity of each item, the total estimated value of the acquisition, and the estimated delivery dates/periods of performance. If there is a national authority, the document must be cited and either a web link included or a copy of the requiring document attached. Include the requirement delivery date or period of performance.*

4. **Statutory Authority Permitting Other than Full and Open Competition:** *41 USC §3304(a)(1), as implemented by FAR 6.302-1. The specific paragraph must be cited. Most likely, only the -1 or -2 authorities will be cited. Please be aware that failure to adequately plan for future requirements does not constitute appropriate use of the unusual and compelling urgency statutory authority.*

   ( ) (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):** *Provide, in narrative form, a detailed explanation supporting and clearly relating to the conditions described by the FAR for using the particular authority cited. This section is normally the most detailed part of the justification as the essence of the justification is presented here. Keep in mind that this document is posted and that your judgment may be formally questioned and protested if your justification is insufficient or not valid.*

*Contracting without providing for full and open competition **shall not** be justified on the basis of lack of advance planning by the requiring activity or concerns related to the amount of funds available (e.g., funds will expire)(See FAR 6.301(c)). To assist you, the following information is provided:*

*a. **Only One Responsible Source (FAR 6.302-1)** – In the case of a **follow-on contract** for continued development or production of a major system or **highly specialized** equipment/services, the rationale must first justify the supplies/services as being a "**major system**" or "**highly specialized**." The rationale must then justify "either" **substantial duplication of cost** to the government that is not expected to be recovered through competition, or **unacceptable delays** in fulfilling the agency's requirements, whichever situation applies. If both of these situations apply, the rationale can be based on either of these two situations, or both.*

*Note: Discuss the use of restrictive brand name descriptions in requirements documentation here under Part V. An acquisition that uses a **brand name description** or **other purchase description to specify a particular brand name, product, or feature of a product, peculiar to one manufacturer does not provide for full and open competition** regardless of the number of sources solicited. If there is going to be a **brand name** used, you will need to justify it and clearly explain why a specific brand produced by a single company is required as opposed to allowing free and open competition. The justification should indicate that the use of such descriptions in the acquisition **is essential** to the Government's requirements, thereby precluding consideration of a product manufactured by another company.*

*(**Brand-name or equal descriptions** and other purchase descriptions that permit prospective contractors to offer products other than those specifically referenced by brand name, **provide for full and open competition** and do not require justifications and approvals to support their use.)*

When using this exception, the contracting officer (CO) should include one of the following sentences, whichever is applicable: "Accordingly, XYZ Corporation is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition," or "Accordingly, XYZ Corporation is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health

Administration experiencing unacceptable delays in fulfilling its requirements," or "Accordingly, XYZ Corporation is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements."

*b. **Unusual and Compelling Urgency (FAR 6.302-2, 6.303-2(a)(9)(ii))** - COs shall contact RPO staff as soon as practicable when contemplating an award under the authority cited in FAR 6.302-2 for J&As requiring HCA or DSPE approval. Provide an explanation why (1) the supplies or services are needed at once because of fire, flood, explosion, or other disaster, or (2) essential equipment or repairs to that equipment are needed at once, e.g., to preclude impairment of healthcare delivery capabilities or mission performance. In other words, identify the anticipated serious injury to the Government, the nature of the urgency, the reasons for it occurring and why it is "urgent and compelling" to preclude adverse impact to Veteran care. Merely citing adverse impact to Veteran care is not in and of itself sufficient reason to use this exception from the requirement to obtain full and open competition. Note that only the minimum quantity required to satisfy the unusual and compelling urgency qualifies for this exception; thus, this exception might not suffice to justify option quantities.*

*c. **Industrial Mobilization; or Engineering, Developmental, or Research Capability (FAR 6.302-3)** - The most important part of justifications citing this authority is demonstrating the need to maintain the capability possessed by the identified source(s). Some form of market survey may be critical in demonstrating the uniqueness of this capability.*

*d. **Authorized or Required by Statute (FAR 6.302-5)** – It is imperative to identify what is being acquired and the applicable statute authorizing other than full and open competition. Note: Some statutes do not require a written J&A.*

*e. **National Security (FAR 6.302-6)** - Provide the minimum essential information needed to establish validity of the justification. This information will make the J&A a classified document. Special handling procedures are required for processing such documentation to the approval authority. Only parties with a "need to know" and the proper level of security clearance should be permitted access to the documentation. Such acquisitions are also exempt from synopsis under FAR 5.202(a)(1).*

*f. **Public Interest (FAR 6.302-7)** - This authority may only be used when none of the other authorities is appropriate and may not be made on a class basis. Provide detail addressing the reasons full and open competition is not in the public interest and why no other authority is appropriate for use.* ***Approval to use this statutory exemption may only be made by a written determination by the Secretary of Veterans Affairs, and with Congressional notification not less than 30 days before award of the contract.***

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** *Describe all efforts taken (or to be to be taken) to ensure that offers are solicited from as many potential sources as practicable under the circumstances. The following issues should be addressed in this paragraph:*

Sources Sought Synopsis: If a sources sought synopsis was issued, state the date the synopsis was issued, the synopsis number, and a brief description of its content. If any responses were received, *describe in detail the results of the screening process and the rationale for determining the unacceptability of any synopsis respondents. This is particularly important when citing the authority of 10 USC 2304(c)(1), "Only one (or a limited number of) responsible source(s)", since it is this survey of the market place that confirms our assumptions regarding the capability of industry to meet our needs. (See FAR 6.303-2(b)(6)). If the proposed action was not or will not be synopsized, cite the specific authority for not doing so (per FAR 5.202) and the rationale for the synopsis exception. Note that although synopsis of proposed contract actions initiated pursuant to FAR 6.302-2 may not be required, use of this authority is not an automatic exemption from synopsis. (See FAR 5.202(a)(2)).*

Other Actions: In this paragraph, discuss any other actions taken or planned to facilitate competition for ***this*** *acquisition. The discussion should include actions tried or considered even if the actions were unsuccessful. If the efforts were unsuccessful, so state and describe why.*

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** *Include a statement by the CO that the anticipated cost will be considered fair and reasonable and provide the basis for this determination. The steps that will be taken to ensure the final contract price will be fair and reasonable are also described here. Describe the extent of cost or price analysis anticipated including the requirements for certified cost or pricing data, technical evaluations, and audits (FAR 6.303-2(b)(7)).*

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** *Describe results of market research conducted pursuant to FAR Part 10, VA Acquisition Regulation (VAAR) 810.001-70 Market Research Policy, and PPM 2016-05(Revised Aug 2019). Per PPM 2016-05, Implementation of the Veterans First Contracting Program as a Result of the U.S. Supreme Court Decision: §8127 is mandatory, not discretionary and its text requires the Department to apply the Rule of Two to all contracting determinations. In order to meet the VA Rule of Two, COs shall review the Vendor Information Pages (VIP) database in accordance with VAAR Class Deviation 810.001-70 to determine if two or more service-disabled veteran-owned businesses (SDVOSBs) and veteran-owned small businesses (VOSBs), in the appropriate NAICS code, are listed as verified in the VIP database. Further, VAAR 810.002 requires COs to record VIP queries in the solicitation file by printing the result of the search(s) along with the specific query used to generate the search(s). COs may use the non-competitive (sole source) procedures authorized in VAAR 819.7007 or 819.7008 up to $5,000,000, as appropriate, subject to review and approval of the designated procurement official outlined in FAR 6.304 (See VHAPG Part 819.7007-7008 for additional details).*

Discuss consideration to BAA/TAA/Exceptions to BAA (See FAR Part 25)

When citing the authority of FAR 6.302-1, only one (or a limited number of) responsible source(s), use the following sentence: "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."

When other exceptions from the requirement to obtain full-and-open competition are relied upon, the market research might be limited to an examination of the acquisition history and experience *with the marketplace under previous acquisitions for the same or similar items. In all instances a current check of VIP shall be performed.*

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** *Provide any other facts supporting the use of other than full and open competition, including an explanation of why specifications, engineering descriptions, statements of work, statements of objectives, or purchase descriptions suitable for full and open competition have not been developed, are not being developed, are not being used, or are not available. (see FAR 6.302-1(b)(2) and 6.303-2(b)(9)(i)).*

   NOTE: *If item being sole sourced is for non-domestic end items, ensure the CO completes the appropriate Individual Nonavailability D&F IAW* FAR 25.103(b)(2)

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** *Provide list of sources that expressed interest in the Acquisition.*

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**:
    *Describe any actions taken or to be taken to foster competition for **future** acquisitions of the supplies or services being acquired. Describe potential actions that could be undertaken to remove the barriers to competition that have been identified in the justification and include a milestone schedule for accomplishing these actions. For example, if a follow-on competitive acquisition is planned, so state and give planned award date.*

    If no actions are planned, so state and provide reasons. If approval is sought for more than one year, explain why a sole source effort is required for the planned time duration.

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.
    (This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)

    ______________________________ ______________________________
    Name Date
    Title
    Facility

13. **Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:** *This part if filled out by Contracting Staff as part of the Justification*

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

_______________________________ _________________________

Name Date
Title
Facility

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

_______________________________ _________________________

Name Date
NCO/PCO XX Duty Title
Facility

c. **<u>VHA RPO HCA Review and Approval</u>:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over $75 million) or approve ($750K to $75 million) for other than full and open competition.

_______________________________ _________________________

Name Date
VHA Head of Contracting Activity (HCA)

d. **<u>VHA Senior Procurement Executive Approval (over $75 million)</u>:** 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.

_______________________________ _________________________

Name Date
Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

DEPARTMENT OF VETERANS AFFAIRS

Justification for Single Source Awards IAW FAR 13.106-1
For
Over Micro-Purchase Threshold but Not Exceeding the SAT ($250K)

Acquisition Plan Action ID:______________________

1. **Contracting Activity:** Department of Veterans Affairs, VISN XX, *XXXX* Medical Center
   Fully identify the contracting agency and organizational activity responsible for the proposed contracting action. Identify purchase request (i.e. 2237) number, if applicable.

2. **Brief Description of Supplies/ Services required and the intended use/Estimated Amount:**

3. **Unique characteristics that limit availability to only one source, with the reason no other supplies or services can be used:**
   Note: Pursuant to 38 U.S.C 8127(b), COs may use other than full and open competition when awarding to SDVOSB and VOSB firms for procurements under the SAT. However, Per VA PPM 2016-05 (Revised August 2019) Implementation of the Veterans First Contracting Program, the focus should be on competing requirements among SDVOSBs and VOSBs to achieve a fair and reasonable price.

4. **Description of market research conducted and results or statement why it was not conducted:**

5. **Contracting Officer's Certification:** *Purchase is approved in accordance with FAR13.106-1(b). I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief. Note: COs are required to make a determination of price reasonableness IAW FAR 13.106-3. See the S19 Open Market (FAR13) Award Documentation Form with Abstract to document price reasonableness.*

________________________________ ___________________________
Name Date
Title

LIMITED SOURCES JUSTIFICATION

ORDER >SAT

FAR PART 8.405-6

Acquisition Plan Action ID:_____________________

(1) Contracting Activity: Department of Veterans Affairs, Network/Program Contracting Office XX, located at Address, in support of VISN XX VA Health Care System at Address. *Fully identify the contracting agency and organizational activity responsible for the proposed contracting action. Identify purchase request (i.e. 2237) number, if applicable.*

(2) Description of Action: This acquisition is conducted under the authority of the Multiple-Award Schedule Program (41 U.S.C. 152(3) and 40 U.S.C. 501). *Describe the action being reviewed and approved and state whether the action will be awarded a new requirement or a follow-on to an original Federal Supply Schedule (FSS) order number (insert task/delivery order number).*

Order against: ☐ FSS Contract Number: ___________________________________

Name of Proposed Contractor:

Street Address:

City, State, Zip:

Phone:

<If applicable, for each proposed contractor if more than one (e.g. brand name):>

Name of Proposed Contractor:

Street Address:

City, State, Zip:

Phone:

(3) Description of Supplies or Services:
The estimated value of the proposed action is $ Insert dollar value, including options, if any

In layman's terms, briefly describe the supplies or services to be provided, including make & model number where appropriate. Indicate whether the item to be procured is peculiar to one *manufacturer (e.g., a particular brand name, product, or a feature of a product, peculiar to one manufacturer). If applicable, include quantities of supplies or period of performance for services.*

Provide information for any options included in the order.

If the action is a modification to an existing order, distinguish clearly between the work covered by the basic order and the work to be obtained by the proposed modification.

(4) Identify the Authority and Supporting Rationale (see below and if applicable, a demonstration of the proposed contractor's unique qualifications to provide the required supply or service. **(CHECK THE APPLICABLE AUTHORITY BELOW AND COMPLETE)**

☐ FAR 8.405-6(a)(1)(A): An urgent and compelling need exists and following the ordering procedures would result in unacceptable delays: *Specify the urgency/compelling need.*

☐ FAR 8.405-6(a)(1)(B): Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized; *Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.*

☐ FAR 8.405-6(a)(1)(C): In the interest of economy and efficiency, the new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures. *Specify how the new work is a logical follow-on to the original order and confirm that the original order was not issued under sole source or limited source procedures.*

☐ FAR 8.405-6(b): Items peculiar to one manufacturer:

- ☐ A patent, copyright or proprietary data limits competition. The proprietary data is: *(If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)*

- ☐ These are "direct replacements" parts/components for existing equipment.

- ☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. *Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.*

(5) Describe Why You Believe the Order Represents the Best Value consistent with FAR 8.404(d) to aid the contracting officer in making this best value determination**:**

(6) Describe the Market Research Conducted among schedule holders and the results or a statement of the reason market research was not conducted**.** *Additionally, describe results of market research conducted pursuant to FAR Part 10 and VAAR 810.001-70: The Veterans First Contracting Program implemented in VAAR subpart 819.70 pursuant to 38 U.S.C. 8127 and 8128 applies to VA contracts, BPAs, and orders under FAR 8.4 and has precedence over small business programs. COs, when establishing a BPA or placing an order against the FSS, shall ensure the priorities for veteran-owned small businesses are implemented within the VA hierarchy of small business program preferences in VAAR subpart 819.70. Specifically, the CO will consider preferences for SDVOSBs first, then preferences for verified VOSBs.*

(7) Any Other Facts Supporting the Justification:

(8) A Statement of the Actions, if any, the agency may take to remove or overcome any barriers that led to the restricted consideration before any subsequent acquisition for the supplies or services is made**:**

(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

____________________________ ____________________________
SIGNATURE DATE

____________________ ____________________ ____________________
NAME TITLE SERVICE LINE/SECTION

____
FACILITY

(10) Approvals in accordance with the VHAPM Part 806.3 OFOC SOP: *This part if filled out by Contracting Staff as part of the Justification*

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

CONTRACTING OFFICER/DESIGNEE'S SIGNATURE DATE

NAME AND TITLE FACILITY/NCO/PCO

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

SIGNATURE DATE

NAME
NCO/PCO XX Duty Title

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

c. **VHA RPO HCA Review and Approval (over $750,000 to $75 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 restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

NAME DATE
VHA Head of Contracting Activity (HCA)

d. **Senior Procurement Executive Approval (over $75 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.

Angela Billups, Ph.D.	DATE
Deputy Assistant Secretary	
Office of Acquisition and Logistics	
Senior Procurement Executive (SPE)	

DEPARTMENT OF VETERANS AFFAIRS

FAR 8 – Justification for Limiting Sources (LSJ)
For
Limiting Sources (<SAT)

Acquisition Plan Action ID:______________________

1. **Contracting Activity:** Department of Veterans Affairs, Network/Program Contracting Office XX, located at Address, in support of VISN XX VA Health Care System at Address
Fully identify the contracting agency and organizational activity responsible for the proposed contracting action. Identify purchase request (i.e. 2237) number, if applicable.

2. **Description of Action:** *Describe the action being reviewed and approved and state whether the action will be awarded as a new requirement or a follow-on to an original Federal Supply Schedule (FSS) order number (insert task/deliver order number).*

Order against: ☐ FSS Contract Number: ___________________________________

Name of Proposed Contractor:
Street Address:
City, State, Zip:
Phone:

<If applicable, for each proposed contractor if more than one (e.g. brand name):>
Name of Proposed Contractor:
Street Address:
City, State, Zip:
Phone:

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

The estimated value of the proposed action is $ Insert dollar value, including options, if any

In layman's terms, briefly describe the supplies or services to be provided, including make & model number where appropriate. Indicate whether the item to be procured is peculiar to one manufacturer (e.g., a particular brand name, product, or a feature of a product, peculiar to one manufacturer). If applicable, include quantities of supplies or period of performance for services.

- *Provide information for any options included in the order.*
- *If the action is a modification to an existing order, distinguish clearly between the work covered by the basic order and the work to be obtained by the proposed modification.*

- *Describe results of market research conducted pursuant to FAR Part 10 and VAAR 810.001-70: The Veterans First Contracting Program implemented in VAAR subpart 819.70 pursuant to 38 U.S.C. 8127 and 8128 applies to VA contracts, BPAs, and orders under FAR 8.4 and has precedence over small business programs. COs, when establishing a BPA or placing an order against the FSS, shall ensure the priorities for veteran-owned small businesses are implemented within the VA hierarchy of small business program preferences in VAAR subpart 819.70. Specifically, the CO will consider preferences for SDVOSBs first, then preferences for verified VOSBs.*

4. **Authority:**

Order Against FSS: Authority of the Multiple Award Schedule Program, Title III of the Federal Property and Administrative Services Act of 1949 (41 USC 251, et seq.); Title 40 USC 501, Services for Executive Agencies; and Section 803 of the National Defense Authorization Act of 2002 (PL 107-107) and implemented by FAR 8.405-6. Mark the applicable exception:

☐ **An urgent and compelling need exists**, and following the procedures would result in unacceptable delays(FAR 8.405-6(a)(1)(i)(A);

☐ **Only one source** is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized; (FAR 8.405-6(a)(1)(i)(B));

☐ In the interest of economy and efficiency, the new work is **a logical follow-on** to an original Federal Supply Schedule order and the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. **The original order was not previously issued under sole-source or limited-sources procedures** (FAR 8.405-6(a)(1)(i)(C)); or

☐ **Items peculiar to one manufacturer**. An item peculiar to one manufacturer can be a particular brand name, product, or a feature of a product, peculiar to one manufacturer). A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer (FAR 8.405-6(b)).

5. **Rationale/explanation to support cited authority:** *[Discuss how the cited authority applies and, if applicable, a demonstration of the proposed contractor's unique qualifications to provide the required supply or service. If pursuing an exception pursuant to FAR 8.405-6(b), describe in detail why a particular brand name, product, or a feature of a product, peculiar to one manufacturer must be used. Also, describe in detail the existence of other than the "Name Brand" product and discuss why they cannot be used.*

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6. BRAND NAME ONLY (*Delete this section if it does not apply*): This buy is estimated to exceed $25,000 and this documentation will be posted along with the RFQ on e-Buy, as required by FAR 8.405-1(e).

7. Note that this determination satisfies the requirements of FAR 8.405-6. The requirement to prepare a written justification IAW FAR 6.303 does not apply to Federal Supply Schedules.

JOHN M. DOE
Contract Specialist
FACILITY/NCO XX/PCO
Date: ________________

JANE C. DOE
Contracting Officer/Designee
FACILITY/NCO XX/PCO
Date: ________________