

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

**Acquisition Plan Action ID: 36C263-24-AP-2608**

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 23 (NCO 23)  
**Ordering Activity:** St. Cloud VA Health Care System (VAHCS), Facilities Engineering, VISN 23 **Purchase Request Number:** 656-24-4-2438-0034
2. **Description of Action:** This justification is to support the project **656-18-293, Upgrade Surveillance and Duress Security Systems Campus Wide**, at the St. Cloud VAHCS. NCO 23 will be issuing a solicitation off the Minnesota Construction MATOC for this project, with the anticipation of awarding a firm fixed-price task order. This is a 100% Service-Disabled Veteran Owned Small Business (SDVOSB) set aside. Construction magnitude for the entire project is between \$5,000,000 and \$10,000,000.
3. **Description of Supplies or Services:** This justification is for an exception to fair opportunity for the procurement of certain construction materials. The use of a particular brand name for the items listed in this justification accommodates standardization of these items throughout the facility.
  - a. **Lock Sets**
    - i. **Best "TE" series Lock Cores**
    - ii. **Unique Qualifications:** This project will install lock cores on the new door hardware that are the same brand and quality as the existing key cores in the medical center and at the medical center out-buildings.
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) 16.505(b)(2)(i):  
( ) FAR 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 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 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 16.505(b)(2)(i)(D): It is necessary to place an order to satisfy a minimum guarantee.

( ) FAR 16.505(b)(2)(i)(E): For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source". The statutory authority permitting an exception to fair opportunity for this action is 38 U.S.C. 8127(c), known as the Veterans First Contracting Program which provides the authority to directly contract with a Service-Disabled Veteran-Owned Small Business (SDVOSB) or a Veteran-Owned Small Business (VOSB).

5. **Rationale Supporting Use of Authority Cited Above:** Above: This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The only key core used on the St. Cloud VA campus is a BEST TE Series interchangeable core. The medical center locksmith is trained to service these key cores and maintain them in working condition. If a different key core would be introduced into the medical center it would cause confusion for maintenance staff, contractors and would require the medical center to stock parts for different manufacturers at additional cost to the medical center. This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer.
6. **Efforts to Obtain Competition:** At this time, there are no competing vendors whose products are fully compatible with the existing system. Installing a different manufacturers' system will create significant duplication in cost for the facility, and in most cases the equipment will not function properly. The brand name justification will be included in the posted solicitation in accordance with FAR 6.302-1(c)(ii)(C).
7. **Actions to Increase Competition:** The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future equipment requirement to be found as brand name or equal.
8. **Market Research:** Market research was conducted prior to selecting this manufacturer as the facilities standard base. This justification is specific to the manufacturer, Best "TE" series Lock Core. This partial requirement of this project is a minor extension of the existing door hardware. At this time there are no competing vendors whose products are fully compatible and match our existing key cores; however, if door hardware other than Best is found to have the capability to provide interchangeable components and maintain a high level of door hardware control, then it will be considered acceptable. None to date is known or shown to be available. For maintenance, repair, inventory, the Best "TE" series Lock Core is justified. Any deviation from the Medical Center's established door hardware in each building would create a need for additional training to maintain, troubleshoot and/or repair. Even more expense would be incurred to purchase another brand of key cores and the associated training necessary to install and maintain them.
9. **Other Facts:** The Brand Name Justification will be included in the posted solicitation in accordance with FAR 6.302-1(c)(ii)(C).
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.

Attachment 1: Request for Exception to Fair Opportunity Memo Format

ROBERT  
KLEIN

Digitally signed by  
ROBERT KLEIN  
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5-10-24

Robert Klein  
Healthcare Engineer, Project Section  
St. Cloud VA Health Care System

Date

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: The solicitation will be issued competitively IAW Far 16.505(b). Price reasonableness shall be established through competition.
12. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

TERESA  
KOHLBECK

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Teresa Kohlbeck  
Contracting Officer  
NCO 23

Date