

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
TO AWARD PROPRIETARY SYSTEMS/EQUIPMENT
INCIDENTAL TO THE CONSTRUCTION CONTRACT DURING THE RENOVATION
OF BUILDING 17 TO FACILITATE THE BRAC REALIGNMNET OF THE
DEPARTMENT OF CLINICAL INVESTIGATION'S LABORATORY FROM WALTER
REED ARMY MEDICAL CENTER TO THE NATIONAL NAVAL MEDICAL CENTER,
BETHESDA, MD**

1. AGENCY IDENTIFICATION: The agency is the United States Navy. The contracting activity is Naval Facilities Engineering Command Washington, Washington Navy Yard, Washington D.C, Officer In Charge of Construction, Bethesda.

2. NATURE AND DESCRIPTION OF THE ACTION BEING APPROVED:

In accordance with FAR 6.302-1 "only one responsible source", this J&A requests authority to procure 213 pieces of laboratory equipment as sole source procurements without using full and open competition. A full list of equipment and sole-source vendors is attached.

3. DESCRIPTION OF SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS:

BRAC V is closing the Walter Reed Army Medical Center (WRAMC) and moving departments to the National Naval Medical Center (NNMC), future home of the Walter Reed National Military Medical Center (WRNMMC). One such department is the Army's Department of Research Operations (DRO) which must be moved prior to September 2011 in accordance with BRAC law.

The DRO scope of operations supports all research activities at the Walter Reed National Military Medical Center involving human, animal, and laboratory related studies; and provides support to investigators in the areas of research review; biometrics; automation support; research administration, personnel, and funding; research laboratory support; and associated research processes, applications, publication, and education. Additionally the WRNMMC DRO supports Army research of the European Regional Medical Command (3 MTFs) and the North Atlantic Regional Medical Command (16 MTFs) and Navy research conducted at all Navy military treatment facilities, dental treatment facilities and branch medical clinics in Connecticut, Delaware, Florida, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Naval District Washington D.C., New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and in Bahrain, England, Germany, Greece, Italy, Scotland and Spain. NNMC has an extensive medical research program throughout all Departments and Services with approximately 1500 staff members actively involved in research either directly conducting research or in a regulatory capacity. The staff involved in research is a mixture of active duty military, government and contract employees

DRO will transfer existing equipment to NNMC; however, 504 new pieces of laboratory equipment have been selected to replace equipment that has, or will have, reached the end of its useful life cycle by the time of the transfer. 215 pieces of equipment require sole-source

procurement. The end user has identified this manufacturer specific equipment as critical to the Department of Research Operation's mission. Thus, the procurement of any other than specified equipment will result in substantial impact to the Department of Research Operation's ability to fulfill its mission. The estimated value of this equipment is [REDACTED].

4. IDENTIFICATION OF THE STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:

It is requested that other than full and open competition be permitted pursuant to 10 U.S.C. 2304(c) (2) as implemented by FAR 6.302-1 only one responsible source.

5. DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED:

Laboratory equipment is customized to specific requirements and different manufacturers specialize in different areas of expertise. Additionally, the equipment affects the clinical outcomes required for accurate comparisons of past and future research results. The new equipment must be the same as the equipment being replaced. Specifically is it vital for the accurate continuation of ongoing experiments and clinical investigations that replacement equipment be able to replicate current findings and assure accuracy of outcomes. The identified pieces of lab equipment have been carefully selected by the Army staff to support the DRO's particular array of capabilities as mandated by the DoD and are vital for mission effectiveness.

Laboratory equipment is not mutually exclusive; the whole lab is greater than the sum of its parts and as such all pieces must work together for the lab to function as intended. The identified pieces of lab equipment are fully compatible with each other and the existing equipment, software, and processes used in the lab. Other equipment is not fully compatible and if procured will reduce or prevent the operational effectiveness of DRO.

Laboratory equipment is very specialized and requires an ongoing, complex and extensive maintenance program of calibration and upkeep. The full extent of the maintenance and calibration varies with each piece of equipment. The selected pieces of equipment are fully compatible with existing fully developed maintenance and calibration techniques currently in use. Other equipment would require development of additional maintenance programs, purchase of additional calibration equipment, and additional staff training. The introduction of multiple brands with conflicting new training regimens and operational parameters will increase the likelihood of staff errors in experiments and investigations thus reducing operational mission effectiveness.

6. EFFORTS TO PUBLICIZE REQUIREMENT

The Government's intent to enter into sole source negotiations for the subject procurement, with the Whiting Turner Contracting Company, Inc., was posted on to <https://www.fbo.gov> via the NECO synopsis database on 18 February 2011. The posting is for informational purposes only.

7. DETERMINATION OF FAIR AND REASONABLE COST

Determination of fair and reasonable cost will be conducted through cost analysis by comparison of the price with a detailed independent government estimate (IGE) completed as part of the RFP and analysis of the contractor's proposal best value determination. It is not anticipated that a competitive solicitation will produce a better price or a more advantageous offer due to the specific requirements, limited vendors and manufacturers of this equipment (as listed in section 5). This document is intended for procurement of equipment only and is not subject to compliance with MILCON funding approval process.

8. DESCRIPTION OF MARKET RESEARCH

The Government relied on both the technical requirements and marketing research of the laboratory staff and that of an independent Architectural Engineering firm. These entities determined that--due to the very specific nature of the technical requirements of this equipment and of ongoing experiments/investigations, no other entity could realistically compete for, or complete, this requirement. Procurement of any other equipment will result in substantial impact to the Department of Research Operation's ability to fulfill its mission.

9. OTHER SUPPORTING FACTS

None.

10. LISTING OF INTERESTED SOURCES

None.

11. ACTIONS TAKEN TO REMOVE BARRIERS TO COMPETITION

Where non-specific equipment is required (i.e. cabinets, standard size freezers, hot plates, etc.) full and open competition will be utilized. The main barrier to full and open competition has been due to specific pieces of equipment requirements identified in section 5. In the future, when requirements are developed, we will attempt to identify other requirements can be included in the competition for the basic requirement. This process will prevent this type of limited competition scenario after award.

12. CERTIFICATIONS AND APPROVALS

TECHNICAL/REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this justification and its supporting acquisition planning documents, except as noted herein are complete and accurate to the best of my knowledge and belief.

APPROVED: FEB 23, 2011