Customer Reference Guide/Procurement Package
Attachment 3: Equipment & Supply

PURPOSE: To ensure standardization of the submission process for equipment and supply projects, complete this checklist and submit it with your request for procurement. If you have any questions on the requirements, please reach out to your Acquisition & Utilization Specialist (AUS, if applicable, and/or the Network Contracting Office (NCO).

ALL DOCUMENTS ARE TO BE PROVIDED ELECTRONICALLY THROUGH FORCE

DATE: _____ **2237#** _____

COR NOMINATION (if applicable) REFERENCE: Appendix F COR Roles-Responsibilities of the Customer Reference Guide

COR NAME: _____ **COR TELEPHONE #:** _____

DATE COR TRAINING COMPLETED: _____ **(Submit a copy of the training certificate and Continuous Learning Points status with the procurement package)**

LINK TO: COR Nomination Memo

	Enclosed	Not Required
1. Requestor (Program Office): Provide a list of users of the supplies/services being requested, by department, name, and telephone number. The list should include a person and/or user group responsible for the quality requirements of the contract. List the departments who will use the supply or service being requested. Include contact information for each department.	☐	☐
2. 2237: Indicate below if the 2237 corresponding to this request is funded or unfunded. FUNDED ☐ UNFUNDED ☐ In almost all cases, the project needs to be funded before moving forward. The 2237 needs to be submitted through the Approving Official, the Accountable Officer, and the stations IFCAP system. If it is unfunded, please draft a Certification of Funding memorandum and have it endorsed by the Capital Asset Manager and Fiscal.	☐	☐

3. Major Acquisition Integrated Product Team (IPT) Requirement Due to the rescission of VA Procurement Policy Memorandum (2017-05) - Use of Integrated Product Teams (IPT) for Major Acquisitions (see Acquisition Policy Flash 25-23), the Director of Contracting (DoC) will determine the need for an IPT based on the complexity of the procurement and risk to the Government. Information regarding IPT formulation and resources can be found in VA Acquisition Manual (VAAM) M807 Acquisition Planning, as part of the planner's responsibilities.	☐	☐
4. High Tech Medical Equipment (HTME) with Maintenance Services built in: The National Acquisition Center (NAC) has issued a full listing of HTME contracts where some vendors offer both equipment and maintenance services. Class Justification for Exemption to Fair Opportunity for the maintenance services (JEFOs) have been approved so orders may be placed without further competition. Before requesting Contracting to place an order that include maintenance services, review the line items to ensure the items requested are on the contracts with the maintenance service and a JEFO is approved for that contract. See the links below: HTME contracts: High Tech Medical Equipment Division - Home (sharepoint.com). JEFOs: High Tech Medical Equipment Division - JEFOs - All Documents (sharepoint.com).	☐	☐
5. Pre-Procurement Assessment (PPA) for Medical Device/Systems Veterans Affairs (VA) Directive 6550, dated June 3, 2019, establishes the technical PPA and implementation requirements for medical devices and medical systems that are connected to the VA network or stand-alone medical devices that store sensitive patient information. All medical devices/systems are to be assessed prior to procurement and during the acquisition planning process based on the following factors. These factors include, but are not limited to, clinical features/functionality, human factors engineering, safety, security, serviceability, reliability, integration requirements, and available space	☐	☐

and infrastructure utility requirements, such as power, air conditioning and network connectivity. The PPA serves as the multi-disciplinary (BME and OIT) technical review and approval process for network connected medical device/system procurements. If internal VA IT software development is not required to deploy the device/system and IT infrastructure is sufficient for the deployment, no additional VHA resource/project requests are required. Biomedical Engineering (BME) leads the PPA process to ensure appropriate assessment/review is performed by OIT prior to purchase. Utilize VA Directive 6550 Appendix A to initiate the PPA process for all applicable medical devices/systems and submit to the VISN BME manager. **Note**: The overall process is outlined in Appendix B, and the process flowsheet in Appendix C provides a high-level overview of the workflow. Evaluating the configuration and security profile of medical devices during the acquisition planning process will assist in identifying potential risks and provide for a more effective and safe integration of medical devices/systems into healthcare operations. Key stakeholders involved in this process are: VHA Biomedical Engineering, Office of Information Technology, Information Assurance/Cybersecurity, Contracting and Contractor. Does this medical/device store patient data and will it be connected to the VA information network? YES ( ) NO ( ) If yes: Was Biomedical Engineering involved in the PPA review process? YES ( ) NO ( ) To ensure that Biomedical Engineering was properly engaged in the procurement of all medical device/systems, submit a completed copy of the 6550 Appendix A (including all required signatures) with the procurement package.		

Note: Requirements that need install/deinstall should be reviewed by Facilities, Engineering, and Biomed to reduce contract completion delays.		
6. Federal Information Technology Acquisition Reform Act (FITARA) The requiring activity responsibilities apply to all Administrations and Staff Offices within the Department of Veterans Affairs that intend to make an IT/IT-related acquisition, regardless of funding source. The requiring activity is responsible for identifying requirements for the upcoming fiscal year, to include approvals for modifications and option years, and ensuring that the requirements align with the VA or IT Strategic Plan, as applicable. To ensure IT/IT-related requirements are reviewed for FITARA compliance, submit the initial request for review and approval through the Acquisition Review Module (ARM) in the Budget Tracking Tool (BTT). The OI&T FITARA SOP applicability section identifies the acquisitions that require FITARA compliance. Follow the steps below to obtain review in BTT: **Step 1: Identify Requirements**. Identify the requirement and ensure the requirement aligns with the approved VA Strategic Plan and/or the approved IT Strategic Goals and Objectives. **Step 2: Conduct Budget Concurrence**. Provide funding documents (such as VA Form 2237, or a budget memo) signed by the budget official. **Step 3: Populate Requirements in BTT.** Complete the ARM fields and upload the required documents (e.g., Product Description (PD), Performance Work Statement (PWS), Statement of Objectives (SOO) and Independent Government Cost Estimate (IGCE) into the ARM module of BTT. Access the BTT link at: https://btt.dva.va.gov. When the initial FITARA review process is complete, download the approval and submit it along with the complete procurement package through FORCE. The FITARA VHA Guide, dated April 20, 2021, explains the tools and provide background information and guidance for complying with FITARA. In addition, see VAAM M807.103-72.	☐	☐

7. Trade-in Consideration When Ordering Activities have personal property that is wearing out or obsolete and must be replaced, they should consider either exchanging or selling that property. The determination to Exchange/sale should take place at the beginning phase of planning. "Exchange" means to replace personal property by trade or trade-in with the supplier of the replacement property. The exchange allowance or sales proceeds should offset the cost of the replacement personal property. You should not use the exchange/sale authority if the exchange allowance or estimated sales proceeds for the property will be unreasonably low. When estimating the return under each method, consider all related administrative and overhead costs. You may use the exchange/sale authority only if you meet all conditions. For the specific conditions, see paragraph 1.2.11 of Chapter 7 Detailed Customer Procedures of the CRG.	☐	☐
8. Acquisition Planning: IAW Federal Acquisition Regulation (FAR) 7.102 Acquisition Planning (AP) is required for all acquisitions. See VAAM M807.103 and Chapter 5 of the Customer Reference Guide (CRG) for requestor's responsibilities in developing and documenting acquisition plans. The following templates are provided for use in documenting the appropriate actions. **Acquisition Planning** a. Full version of the written Acquisition Plan VAAM Attachment M807-B, Acquisition Plan Template is required for documenting acquisitions above $9M (including the value of all options). In addition, the full version template is required for documenting acquisition plans of all cost-reimbursement and other high-risk contracts (to include time-and-materials/labor hour type contracts) other than firm-fixed price IAW FAR 7.103(e) at any dollar value. If the Acquisition Plan template is not used, documentation must comply with the requirements in VAAM M807.105-72. See VAAM M807.105-71(c) for when an acquisition plan is not required. b. Document acquisitions above the micro-purchase threshold (MPT) up to $9 million(M) (including the value of all options) on the Market	☐	☐

Research Templates provided in VHAPG Part 810.001 (Streamlined Market Research Report Template or Market Research Report Template). See VAAM M807.105-71(c) for when an acquisition plan is not required. See VAAM M807.105-70 for additional requirements that must be included in the contents of the written acquisition plans. Be sure to mark the AP with the legend that states: "*Source Selection Information*". Additionally, since the AP contains proprietary and/or source selection sensitive information it must not be released outside the Government and must be appropriately protected and secured, see FAR 3.104-4. **Consolidation and Bundling:** Provide information to the CO to help prepare the Consolidations and Bundling Acquisitions Determination and Findings. The templates below are provided for your use. a. VAAM Attachment M807-C, Consolidation Determination and Findings Template: The Template represents the Determination that Consolidation Is Necessary and Justified. b. A sample template for Determining that Bundling/Substantial Bundling Is Necessary and Justified is available at VAAM Attachment M807-D, Bundling or Substantial Bundling Determination and Findings Template **Inherently Government Functions** IAW VAAM M807.503, for an acquisition that contains a service, the planner must submit a **written determination** with the procurement package that state the functions to be performed are **not** inherently governmental as defined in FAR subpart 7.5, and specifically, for functions similar to those listed under FAR 7.503(c). A completed/signed VAAM Attachment M807-E Memorandum template must be used to make the appropriate written determination. For additional information, see VAAM M807 Acquisition Planning.		

9. Market Research: IAW VAAM M810.002-70, Market Research is a collaborative effort between the requestor/program/project offices and the CO in planning for the requirement. VA issued the VA Market Research Guide that provides guidance on the technique and procedures for conducting market research. The following templates found in VHAPG 810.001 Market Research Guide should be used to document the market research results. a. Actions above the MPT up to $9M: Attachment 1: Streamlined Market Research Report Template a streamlined market research effort that is required for the purpose of locating qualified small business sources and is required to be documented in the contract file (see FAR 19.502). b. Actions exceeding $9M: Market research is required to be conducted and a market research report completed and Attachment 2: Market Research Report Template is provided for that purpose. IAW VAAM M810.002-73, the requiring activity/program office has the primary responsibility to perform market research and document the results. Therefore, customers should conduct the initial market research via the Small Business Administration (SBA) database at https://search.certifications.sba.gov. Search the SBA database by applicable North American Industry Classification System (NAICS) codes to determine whether two or more certified service-disabled veteran-owned small businesses (SDVOSBs) and veteran-owned small businesses (VOSBs), with the appropriate NAICS code, are listed in the database and may be capable of performing the work. In addition, customers may research the General Services Administration (GSA) Federal Supply Schedules (FSS), GSA Procurement Co-Pilot Tool, trade shows, reading journals, vendor demonstrations (see vendor loan agreement), internet research, contact other VISN's to see what or how they are doing things. Sole Source requirements should also be addressed in the Market Research document and a justification submitted with the procurement request. See the Other than Full and Open Competition (OFOC)	☐	☐

paragraph below that list and hyperlink all the justification templates and their locations. For additional information, see VHAPG Part 806.3 Other Than Full and Open Competition. **Note:** Additional market research/VetCert is not required for DO/TOs under VA single award IDIQ/Requirements contracts. Submit market research documentation with procurement package through FORCE. The CO will use the market research for acquisition planning purposes and conduct a VA Rule of Two determination IAW the contracting order of priority, see VAAR 819.7005. Additional information is available in VHAPG Part 810.001 Market Research Guide. The extent and amount of market research and documentation depends on the complexity, dollar value, urgency, past performance, and other unique aspects of a potential acquisition.		

10. Other Than Full and Open Competition (OFOC): When applicable, submit a sole source justification with the procurement package through FORCE. The following Justification templates are available for use: (a) VHAPG 806.3 (Table 2.2): Attachment 1, Justification for Other Than Full and Open Competition greater than the Simplified Acquisition Threshold (SAT) for Open Market Items/Services IAW RFO 6.104-1; (b) VHAPG 808.405-6: Attachment 1, Justification for Limiting Sources from MPT up to the SAT for FSS Orders IAW GSAR 538.7104-3(a) and Attachment 2, Justification and Approval for Limiting Sources over the SAT IAW GSAR 538.704-3(b); (c) VHAPG 813.106-1(b): Attachment 1, Single Source Award Justification for actions using the Simplified Acquisition Procedures (SAP) at or below the SAT for Open Market Items/Services IAW RFO 12.102(a); (d) VHAPG 813.5: Attachment 1, SAP for Commercial Product/Services for Sole Source Justification (including brand name) over the SAT and up to the SAP limit (currently $9M) IAW RFO 12.102(b); (e) VHAPG 816.505: Attachment 1, Indefinite-Delivery Contracts, Ordering Justification for Exception to Fair Opportunity for Open Market Items/Services IAW RFO 16.507-6(a) or RFO 16.507-6 (b); and (f) VHAPG 819.7008/009: Attachment 1, Justification for when awarding sole source procurements to SDVOSB/VOSBs up to $5,000,000 IAW VAAR 819.7008 and 7009. **Non-Competitive procedures for Veteran Owned Small Businesses** A contract may be awarded by the CO to a certified SDVOSB or a certified VOSB if no SDVOSB can satisfy the need, using procedures other than full and open competition when— (a) Such concern is determined to be a responsible source with respect to performance of such contract opportunity;	☐	☐

(b) The anticipated award price of the contract (including options) will exceed the SAT, but will not exceed $5 million; and (c) Contract award can be made at a fair and reasonable price that offers best value to the United States. **Disclosure Agreement for sole source actions over the SAT:** IAW VAAM M806.303-170(c) and VAAM Alert 23-02, a disclosure agreement is required for all VA staff involved in the planning and decision to make award. The disclosure must be documented on VAAM Attachment M806-C and forward with the procurement package through FORCE. VHA COs will contact OGCs Specialty team in case of a disclosure that may, or perceived to, impair the VA staff's independent judgment to determine if the VA staff will need to recuse themselves. **Note**: If the specific item you are purchasing can only be provided by one company or one supplier, provide convincing and thorough evidence that only that one company or supplier can meet the needs of the project. The justification should demonstrate that the specific equipment or product requested is not only a preference but a necessity.		
11. Functional Performance Specifications Describe the requested equipment and/or supplies in the specifications. Focus on the functionality of the items and the end results to be accomplished. Include enough information so that someone with no knowledge of the project will understand what is needed. In general, one or two sentences will not suffice, more detail is needed. If brand name items are requested, these items are to be supported by a justification. See OFOC paragraph above for justification templates and their locations. IAW FAR 11.104(b), when "brand name or equal" descriptions are necessary, specifications must clearly identify and describe the particular physical, functional, or other characteristics of the brand-name items which are considered essential to satisfying the requirement. Samples of SOWs are available on: VHA Acquisition Business Intelligence Tool (VABIT).	☐	☐

12. Line Items The requirement for the uniform use of line items applies to solicitations, contracts, orders that include pre-priced supplies or services, including amendments, modifications, and change orders to such documents. Pursuant to FAR 4.1001, line items "*are established to define deliverables or organize information about deliverables.* *Each line item describes characteristics for the item purchased, e.g., pricing, delivery, and funding information.*" Comply with FAR Part 4.1003, in establishing line items and include the characteristics found at VAAM 804.1003. FORCE/eCMS Line Item Templates are found at VHA Procurement - Uniform Use of Line Items Documents. Line Items are important because they provide the basis of information for other systems such as the Supply Chain Master Catalog (SCMC) and Integrated Facilities & Asset Management System (iFAMS). Additional information is located at VAAM M804.10 and VHAPG Part 804.10.	☐	☐
13. Applicable Drawings: 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. To ensure that your product fits in the 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.	☐	☐
14. Independent Government Cost Estimate (IGCE): An IGCE is normally not required for equipment or supply orders. However, the CO may require an IGCE if there are no other means to determine the offeror's price fair and reasonable.	☐	☐

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, absent the express consent of the CO. Provide the methodology and data used to develop the estimate. A sample template is in Chapter 10 Independent Government Cost Estimate of the CRG. If requirement contains multiple line items, the IGCE should be broken down by line item. Enter one line item per Budget Object Code (BOC) on the 2237. Many VA Forms 2237/2138 will only have one BOC. The line-item description must state enough detail to assure the correct BOC was selected. The line-item unit may be job (JB), each (EA), or lump sum (LS) as applicable. In general, the most reliable estimates: • They 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, 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; and • Research historical acquisition trends. Below the SAT – The 2237 with line items is sufficient as the IGCE. Requesters should include a statement on the VA Form 90-2237 affirming that, "The Price referenced was calculated independently and should be considered as the IGCE."		
15. Required Sources of Supplies and Services: When determining source of supplies consult FAR 8.002, 8003 and 8004 and VAAR 808.002, 8004 and 8004-70, Priorities for Use of Mandatory and Other Non-Sources. **Ensure the Rule of Two is adhered to first** (see VAAR 802.101), if you have questions, confer with your CO. **Priorities for Use of Mandatory Government Sources:** Requirements for supplies and services shall be satisfied through the mandatory sources	☐	☐

listed in paragraphs (a)(1) and (2) of VAAR 808.002 in descending order of priority. **Use of Other Priority Sources:** See VAAR 808.004-70 Veterans contracting priority. In order to fulfill the requirements of 38 U.S.C. 8127-8128 (VAAR subpart 819.70), COs shall award contracts (see FAR 2.101 for the definition of contracts), as well as Blanket Purchase Agreements (BPAs), and orders against VA and GSA FSS, providing priority in the awarding of such contracts to certified SDVOSBs first, then certified VOSBs, listed in the SBA certification database. See Mandatory Sources and Other Priority Sources in Chapter 6 of the CRG. **MSPV Contracts** All MSPV contract products are in the VA Supply Chain Master Catalog (SCMC). The SCMC can be accessed/searched at: https://dvagov.sharepoint.com/sites/VHAPLO/Logistics/OPR/SCMC/SitePages/Home.aspx. The SCMC provides contract data, line-item details, and other pertinent briefcase documents. The following is a list of MSPV contracts: a. Medical/Surgical Prime Vendor (see https://www.va.gov/opal/sac/mspv.asp) b. Non-Expendable (NX) Equipment Program (see https://www.va.gov/opal/sac/nxEquipment.asp) c. Pharmaceutical Prime Vendor (https://www.va.gov/opal/sac/nxEquipment.asp) d. High-Tech Medical Equipment (https://www.va.gov/opal/nac/ncs/htme.asp) Subsistence Prime Vendor (https://www.va.gov/opal/nac/ncs/spv.asp) Compete open market requirements to the maximum extent possible unless otherwise directed to a required source, such as a Service-Disabled		

Veteran Owned Small Business (SDVOSB). Competition maximizes quality and drives down cost. If a sole source procurement is requested, submit a justification document with the procurement package through FORCE. See OFOC section above with justification templates hyperlinked to the Procurement Guide where they are located.		
16. Delivery/performance information, date item(s) required Provide a reasonable delivery date (unless it's an emergency) Delivery/performance information: Write the date you would like the item to be in your hands and ready to be used. Remember, there is a built-in minimum timeline due to the various mandated steps in the contracting process. As a guide, see the Under Secretary for Health for Support Procurement Cut-Off Dates Memorandum issued on February 12, 2024 that establishes cut-off dates for submission of complete procurement packages or exercise of option years request. 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.	☐	☐
17. Is this a recurring requirement? If yes, provide the following: Prior CO: _____ 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, contact IRM support.	☐	☐
18. Dependent on the Existing Construction Project	☐	☐

If this procurement is dependent on an existing or upcoming construction project, indicate below what the project is and the status. Construction project: _____ _____ Status: _____ _____		
19. Directives/Policies: List any VA or VHA Directives or policies that the supply or equipment being purchased must comply with. Most Directives and policies can be found at: http://vaww.va.gov/vapubs/index.cfm. Contact your COR and/or subject matter experts to learn more about VA Directives and policies that the item you are purchasing must comply with.	☐	☐
20. Federal Supply Schedule: Is the item(s) on GSA/FSS? If yes, were multiple FSS vendors considered? If yes, provide documentation demonstrating why the selected vendor is the best value. Indicate the GSA Contract Number here: _____ 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. Show documentation for the vendor with the best value. If the item is part of a Bulk Purchasing Agreement (BPA) write the details of that agreement in this space _____.	☐	☐
21. Security Requirements (Contractor Personnel and Contracts) The Requestor (Program Office) and personnel security team should use the Position Designation Automated Tool (PDT) to appropriately designate the Statement of Work (SOW), Statement of Objectives (SOO), or Performance Work Statement (PWS) with the proper risk or sensitivity level and corresponding level of background investigation required for	☐	☐

the contract employees IAW VA Directive 0710 and VA Handbook 0710. The impact level for FISMA security controls/enhancements should also be included in this assessment. Information Security Officers should be consulted when access to VA Information systems and data is involved to ensure appropriate risk levels are assigned to contractors. The PDT tool is available at: Position Designation Tool (opm.gov). **Personal Identity Verification (PIV) of Contractors:** For contractor onboarding/badging process and required information, visit the website at: Regional Procurement Offices COR Contractor Onboarding serviced by WMC HROO PerSec Contractor Team (sharepoint.com). IAW Acquisition Policy Flash 24-3 complete an assessment during the planning phase for all service acquisitions (including, construction, architect and engineering, and all purchase card orders) and IT commodity acquisitions to determine if IT services will or will not be procured or the contractor will or will not require access to VA systems or sensitive information. If the assessment determines IT services or IT commodities **will not** be procured or VA system or sensitive information will not be accessed, no further action is required. The Privacy Officer (PO) and the COR or Project Manager will sign the Appendix A checklist of Handbook 6500.6 and submit with the procurement package through FORCE. If the assessment determines the procurement requested **is** IT service or IT commodities or access to VA sensitive information will be required, complete Appendix A checklist of VA Handbook 6500.6 (with all required signatures) and submit with the procurement package through FORCE. The CO, PO, Information Security System Officer (ISSO), COR and other applicable staff, such as Program or Project Managers, should be included in the assessment process. For completing the Checklist for Information Security in Handbook 6500.6 Appendix A, it is recommended that the team follow the flow chart and cross walk developed by VA OIT located on the following website titled Flow Chart and Guide 6500.6 Appendix A.		

Note: Appendix A is not required for expendable items such as pharmaceuticals. Expendable Items are defined in VA Handbook 7002, Logistics Management Procedures, Part 3. Classification of Property. The VA Information Security Portal contains an ISSO/Privacy Officer Locator which can be accessed at: https://vaww.portal2.va.gov/sites/infosecurity/ISO-PO-Locator/default.aspx The Enterprise Security Operations (ESO) Transformation Update – VA Handbook 6500.6 released on June 1, 2018, clarifies the System Security Officer (ISSO) role and responsibility regarding VA Handbook 6500.6 and the ISSO review. VHAPG Part 839.101-70 Contract Requirements for Security is available for assistance. Will the contractor, subcontractor, or third party performing their contractual obligations have access to: YES NO ( ) ( ) patient records? ( ) ( ) VA computer system/sensitive information? ( ) ( ) work on VA property? Is a Business Associate Agreement Required? YES NO ( ) ( ) Send a copy of your Statement of Work and your attempted answers to the questions above to the ISO and PO before submitting the procurement package through FORCE and request their feedback. You may need to have a conversation with the ISO and PO to further justify or explain your answers.		

Attachment 2: VHA Market Research and Acquisition Planning Report Template

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 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 is 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 in the final document. *

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

I. Authority.

Market research and acquisition planning are 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
- VAAR 810.001-70 (Class Deviation), Market Research
- VAAM M810, Market Research
- 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 requirement, as defined in FAR 2.101? If so, consult FAR 10.001(c).*
3. *Are there any applicable Organizational Conflicts of Interest?*

B. **Procurement Background.** ***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). If service, is it suitable for use of Performance-Based Acquisition (PBA) services: Indicate if the requirement can be met through PBA services contracting and if no, indicate the basis for not utilizing this technique. See** FAR 37.102 and the Acquisition Gateway and Steps to Performance Based Acquisition.
- **Expected dollar value of requirement including option years**
- **Suggested** 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**
  - **Inherently governmental functions and/or**
  - **Essential physical characteristics**

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

- **OPTIONS -** ***Indicate if options will be required and if so, the number and type of options (e.g., four one-year options to extend the period of performance or one option to purchase an additional quantity of a product.***

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

IV. Participants in Market and Acquisition Planning 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	
	Veteran Small Business Certification (VetCert) (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** - (AbilityOne Program) (FAR 8.002)	
	5. **Wholesale Supply Sources** (GSA website: https://www.gsaglobalsupply.gsa.gov/advantage/ws/main/start_page?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 (IDENTIFYING VetCert CERTIFIED SDVOSBs/VOSBs)	Details of Research/Comments (Include References to Report Attachments)
	U.S. Small Business Administration, Veteran Small Business Certification (**VetCert**)	
	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 VAAR 808.004-70 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. • VA Notice 24-01, Update of VA Directive 7179, Preferred Use of the Federal Strategic Sourcing Initiative for Domestic Delivery Services for Express and Ground Small Packages, October 2, 2023. • 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 certified 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, and VAAM part M817.	

	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);**	
	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
VetCert certified Service-Disabled, Veteran-Owned (SDVOSB)	
VetCert certified 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). Nonmanufacturer means a concern, including a supplier, that provides an end item it did not manufacture, process, or produce. (See the Nonmanufacturer Rule Decision Tree to assist with this determination):

- Discuss Limitations on Subcontracting (LOS): The purpose of the LOS rule is to ensure small businesses do not serve as "pass-throughs" for large entities. LOS is applicable for all contracts awarded on a set-aside or sole source basis under the Veterans First Contracting Program (VFCP) and requires that VA ensure subcontracts are awarded to SDVOSBs/VOSBs. The rule places limits on the

amount that can be subcontracted (e.g., 50 percent for services; reference FAR 52.219-14), ensuring that the small business has to perform some amount of meaningful work, so they don't simply serve as pass-throughs. See the list of services/construction projects that are considered VA LOS High-Risk Areas of Concern and state any concerns to consider with this procurement if any:

- 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 *evaluations and/or qualifying factors, including such issues as past performance, references, product testing or evaluation, customer satisfaction, warranties, and quality problems. **For any "Best Value" procurement, indicate the factors to be used for evaluation. When soliciting quotations or offers, COs are required to notify potential quoters or offerors of the basis on which award will be made (price alone or price and other factors, e.g., past performance and quality).*
- Describe consideration of green (sustainable products and services) https://sftool.gov/greenprocurement and GSA's Buy Green Products, Services, and Vehicles. Include discussion of energy efficiency standards of market products, if applicable

- Discuss consideration to Buy American Statute. The Buy American law restricts the purchase of supplies, that are not domestic end products, for use within the United States. Provide the following information on requests for supplies/products:
  a. Where is the item manufactured: _____
  b. What company manufactures the item: _____
  c. Provide a list of Authorized distributors: _____

d. Are there similar domestic end products available from a US manufacturer for the product/supplies (include any internet research results):._____

If requesting products that are not manufactured in the US, visit the Buy American Act (BAA) & Trade Agreements Acts (TAA) SharePoint site for information on the exceptions to the Buy American Act and the process for obtaining a Buy American Nonavailability Waiver. The site also contains templates, tools and resources to help determine the applicability of Buy American Act, Trade Agreements Act, or exception to Buy American Act (i.e., g the Buy American Decision Tool Clause and Provision Selection, regulatory references, etc.).

- Discuss compliance with the VA FITARA Acquisition Compliance SOP

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 supporting/required documents to include appropriately signed/approved 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 _____**

- **North American Industry Classification System (NAICS) _____**

- **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 $9M: 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 Handbook 6500.6. 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 marketplace 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 VetCert-certified 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 VetCert certified SDVOSB firms are the highest priority, followed by VA VetCert certified 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 2.101 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 819.7005: 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 VAAR 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 VAAR 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 (VetCert) Database at https://veterans.certify.sba.gov/ resulted in:

Total of _____ small business concerns in each of the individual socio-economic group in 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, 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 VetCert database to identify certified 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 18 months old.

Name: _____ Date: _____
Contracting Officer Signature

Or

Based on the market research conducted, no two or more VetCert certified 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 18 months old.

Name: _____ Date: _____
Contracting Officer Signature

Attachment 1: VHA Streamlined Market Research and Acquisition Planning Report Template

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 Handbook 6500.6. The contract type for this procurement is (_____) 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.

1. Objective: Per FAR 10.001(a)(2), VAAR 810.001-70, and VAAM M810.002-70 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) (Utilize Attachment 2: Market Research Report Template if action is over the $9 million)
- ☐ 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. NAICS Code: _____

d. Size Standard for NAICS: _____

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

3. Market Research Methods/Techniques/Sources: In accordance with FAR Part 10, VAAR 810, and VAAM M810 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 Veteran Small Business Certification (VetCert) database to identify certified 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 pre-solicitation 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). Nonmanufacturer means a concern, including a supplier, that provides an end item it did not manufacture, process, or produce. (See the Nonmanufacturer Rule Decision Tree to assist with this determination):

5. Limitations on Subcontracting (LOS): The purpose of the LOS rule is to ensure small businesses do not serve as "pass-throughs" for large entities. LOS is applicable for all contracts awarded on a set-aside or sole source basis under the Veterans First Contracting Program (VFCP) and requires that VA ensure subcontracts are awarded to SDVOSBs/VOSBs. The rule places limits on the amount that can be subcontracted (e.g., 50 percent for services; reference FAR 52.219-14), ensuring that the small business has to perform some amount of meaningful work, so they don't simply serve as pass-throughs. See the list of services/construction projects that are considered VA LOS High-Risk Areas of Concern and state any concerns to consider with this procurement if any:

6. 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 the market research results supports whether the VA Rule of Two can or cannot be met*):

7. 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.*):

8. Market Price: $

9. Acquisition History:

10. Buy American Statute: The Buy American law restricts the purchase of supplies, that are not domestic end products, for use within the United States. Provide the following information on requests for supplies/products:

    a. Where is the item manufactured: _____

    b. What company manufactures the item: _____

    c. Provide a list of Authorized distributors: _____

    d. Are there equivalent domestic end products available from a US manufacturer for the product/supplies: _____

If requesting a product that is not manufactured in the US, visit the Buy American Act (BAA) & Trade Agreements Acts (TAA) SharePoint site for information on the exceptions to the Buy American Act and the process for a Buy American Nonavailability Waiver. The site also has templates, tools and resources to determine the applicability of Buy American Act, Trade Agreements Act, or exception to Buy American Act (i.e., the Buy American Decision Tool Clause and Provision Selection, regulatory references, etc.).

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

The following sources, to include size and socioeconomic status (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: Click or tap to enter a date.

12. Contracting Officer Responsibilities:

a. 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 item/service requested is non-commercial.

b. When applicable, state if requirement is suitable for Use of Performance-Based Acquisition (PBA) (FAR 37.6)? and if yes, and PBA is not being used, provide rationale for not using PBA:

c. Identify any IT involvement. (Note: Requires CIO or Designee review/approval and/or coordination with Information Security Officer.) Describe administrative, technical, and physical safeguards to protect Government data, facilities, and networks. Currently, contractors and their personnel shall be subject to the same Federal laws, regulations, standards, and VA policies as VA personnel, regarding information and Information System Security (see FAR 7.105(b)(18)):

d. Recommendations: *State whether two or more VetCert-listed SDVOSBs or VOSBs can perform the work and are likely to submit an offer/quote at a fair and reasonable price that offers best value to the Government. If unable to set-aside for SDVOSBs/VOSBs, state if any other small businesses are likely to submit an offer. The record must include sufficient facts to support the CO's decision and a conclusion based on this analysis.*):

Name: _____ **Date:** _____
Contracting Officer Signature

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:_*(recommend adding AP Action ID to the footer as well)***_____**

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 Approved:** *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 once.*

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:** *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 RFO 6.103-1;
( ) (2) Unusual and Compelling Urgency per 41 USC §3304(a)(2) as implemented by RFO 6.103-2;
( ) (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per 41 USC §3304(a)(3) as implemented by RFO 6.103-3;
( ) (4) International Agreement per 41 USC §3304(a)(4) as implemented by RFO 6.103-4
( ) (5) Authorized or Required by Statute per 41 USC §3304(a)(5) as implemented by RFO 6.103-5;
( ) (6) National Security per 41 USC §3304(a)(6) as implemented by RFO 6.103-6;
( ) (7) Public Interest per 41 USC §3304(a)(7) as implemented by RFO 6.103-7;

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 RFO 6.103(b)). To assist you, the following information is provided:*

a. ***Only One Responsible Source (RFO 6.103-1)*** *– 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 (RFO 6.103-2, 6.104-1(a)(9)(ii))** - COs shall contact RPO staff as soon as practicable when contemplating an award under the authority cited in RFO 6.103-2 for J&As requiring HCA or SPE 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 (RFO 6.103-3)** - 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 (RFO 6.103-5)** – 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 (RFO 6.103-6)** - 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 RFO 5.101(b)(1)(ii).*

*f. **Public Interest (RFO 6.103-7)** - 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 (see VAAM M806.302-7) 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 possible (including whether a notice was or will be publicized as required by RFO Part 5 and, if not, which exception under RFO Part 5 applies):** *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:*

Notice of Proposed Contract Actions (e.g., Sources Sought Synopsis): If a notice for sources sought was issued, state the date the notice was issued, the notice 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 notice respondents. This is particularly important when citing the authority of 41 USC 3304(a)(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 RFO 6.104-1(a)(6)). If the proposed action was not or will not be synopsized, cite the specific authority for not doing so (per RFO 5.101(b)) and the rationale for the synopsis exemption. Note that although synopsis of proposed contract actions initiated pursuant to RFO 6.103-2 may not be required, use of this authority is not an automatic exemption from synopsis. (See RFO 5.101(b)(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 (RFO 6.104-1(a)(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 RFO Part 10 and VA Acquisition Regulation (VAAR) 810.001-70 Market Research Policy. IAW VAAR 810.001-70, COs shall review the Small Business Administration (SBA) certification database on the SBA Veteran Small Business Certification Program (*VetCert) portal as required by subpart 819.70 to determine if two or more service-disabled veteran-owned businesses (SDVOSBs) and/or veteran-owned small businesses (VOSBs), with the appropriate North American Industry Classification System (NAICS) code, are listed as verified in the Small Business Search (SBS) website. ***Note**: The VetCert website instructs users to verify Certified Veteran firms through the Small Business Search (SBS) site at https://search.certifications.sba.gov. Additionally, RFO 19.101(a)(2)(1) states that the SBA certifies offerors as veteran-owned small business, service-disabled veteran-owned small business and SBA certifications can be found in the Small Business Search (SBS) website. COs may use the non-competitive (sole source) procedures authorized in VAAR 819.7008 or 819.7009 up to $5,000,000, as appropriate, subject to review and approval of the designated procurement official outlined in RFO 6.104-2 (See VHAPG Part 819.7008-7009 for additional details).*

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

When citing the authority of RFO 6.103-1, 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 RFO 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 the SBS website 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 RFO 6.103-1) and 6.103-2-.*

   Other Considerations:
   - *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).*
   - *Include (when applicable) the required descriptions and determinations and other information as set forth in RFO 6.104 for each justification for a sole-source 8(a) contract over $30 million.*

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 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. **One Level Above the Contracting Officer (Required over SAT but not exceeding $900K):** I certify the justification meets requirements for other than full and open competition.

_____

_____

Name Date
NCO/PCO XX Duty Title
Facility

c. **VHA RPO HCA Review and Approval:** 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 $90 million) or approve ($900K to $90 million) for other than full and open competition.

_____

_____

Name Date
VHA Head of Contracting Activity (HCA)

d. **<u>VA Senior Procurement Executive Approval (over $90 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
Executive Director Office of 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 Simplified Acquisition Threshold

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 and those actions must be done IAW FAR 6.302-5(c)(2)(ii), 6.303, and 6.304 (see VHAPG Part 819.7008/7009 Sole Source Awards to Certified Service-Disabled Veteran-owned Small Business/Veteran-owned Small Business *for the appropriate J&A template).*

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 FAR 13.106-1(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 $900K): 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 $900,000)*:

c. **VHA RPO HCA Review and Approval (over $900,000 to $90 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 $90 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.

_____ _____

Name 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.*

_____

_____

_____

_____

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: _____

CHECKLIST FOR INFORMATION SECURITY IN THE INITIATION PHASE OF ACQUISITIONS

1. BACKGROUND

In accordance with VA policy, contractors' storage, generation, transmission or exchanging of VA sensitive information requires approriate security controls to be in place. The VA Information Security Program policy – VA Directive and Handbook 6500 and additional 6500 series directives and handbooks - provide the framework for security within VA.

2. INSTRUCTIONS

This checklist must be completed at the **initiation** of all IT service acquisitions, statements of work, third-party service agreements and any other legally binding agreement in order to determine what, if any, security and privacy controls are necessary specifically as it relates to the VAAR security clause. OGC guidance should be sought on data ownership issues, as necessary. The checklist can also be used for other types of contracts, if appropriate or needed. In order to successfully complete this checklist, each question below must be addressed in coordination with all members of the local Acquisition Team including: the Procurement Requestor or Program Manager from the program office or facility, the Contracting Officer Representative (COR), the Information Security Officer (ISO), the Contracting Officer (CO) from the program office or facility's servicing Acquisition office, and the Privacy Officer (PO). The ISO is the arbitrator if there are questions or disagreements on the appropriate answers.

1.	Does the contract involve "VA sensitive information?" (See 3. PROCEDURES a.) If yes, proceed to next question. If no, then the security clause is not required.	Yes ☐ No ☐
2.	Is this an acquisition or purchase of only commodities or goods (e.g. equipment or software)? If yes, then the security clause is not required as long as VA sensitive information is not involved. If no, then proceed to the next question.	Yes ☐ No ☐
3.	Will this acquisition require services of contractor personnel? If no, proceed to question 5. If yes, proceed to next question.	Yes ☐ No ☐
4.	Will the personnel perform a function that requires access to a VA system or VA sensitive information (e.g., system administrator privileged access to a VA system, or contractor systems or processes that utilize VA sensitive information)? NOTE: See 3.a. under PROCEDURES regarding contracts and agreements concerning medical treatment for Veterans. If the answer above is no, then proceed to the next question. If yes, then VA security policies apply. Contracting Officials need to work with the Program Manager or (procurement requestor), COTR, PO, and ISO to: i. Include the appropriate risk designation of the contractors based on the PDAT determination. ii. Incorporate the security clause (Appendix B) into the contract involved and the appropriate security/privacy language outlined in Appendix C into the solicitation. iii. Determine if protected health information is disclosed or accessed and if a BAA is required.	Yes ☐ No ☐

5.	Will this acquisition require use of a contractor-owned Information Technology (IT) system or computer assets, **and**	Yes ☐	No ☐
	a. The IT system hardware components are located at an offsite contractor facility; **and**	Yes ☐	No ☐
	b. The IT system is **not** connected to a VA network; and	Yes ☐	No ☐
	c. The contractor has exclusive administrative control to the components; **and**	Yes ☐	No ☐
	d. The purpose of the requirement for the system is to process or store VA information on behalf of the VA.	Yes ☐	No ☐
	If <u>any</u> of the answers to 5a-5d are <u>no</u>, proceed to the next question. If <u>yes</u>, then VA security policies apply. Incorporate the clause from Appendix B and the appropriate security/privacy language from Appendix C respectively into the solicitation and contract and initiate planning for the certification and accreditation of the contractor system(s). Contracting Officials need to work with the COTR and ISO to: • Determine the security impact of the IT system as High, Moderate, or Low per 6500 Handbook, *Information Security Program*. • Ensure Contractor understanding of the IT security requirements for certification and accreditation (authorization) (C&A) of the contractor system. See VA Handbook 6500.3, *Certification and Accreditation*. • Ensure that the proper VA Management Official is appointed by the Certification Program Office to formally authorize operation of the system in accordance with VA Handbook 6500 and 6500.3. • Enforce contractor performance (timely submission of deliverables, compliance with personnel screening requirements, maintenance of secure system configurations and participation in annual IT Federal Information Security Management Act (FISMA) assessments to ensure compliance with FISMA requirements). • Ensure yearly FISMA assessments are completed and uploaded into SMART.		

6.	Will this acquisition require services that involve connection of one or more contractor-owned IT devices (such as a laptop computer or remote connection from a contractor system) to a VA internal trusted (i.e., non-public) network? If no, then include a statement in the SOW that "The C&A requirements do not apply, and that a Security Accreditation Package is not required: and proceed to the next question. If yes, then incorporate the security clause from Appendix B and the appropriate security/privacy language from Appendix C respectively into the solicitation and contract. Contracting Officials need to work with the COR and the ISO to: • Ensure contractor understands and implements the IT security requirements for system interconnection documents required per the Memorandum of Understanding or Interconnection Agreement (MOU-ISA). The standard operating procedure (SOP) and a template for a MOU-ISA are located on the Information Protection Risk Management (IPRM) Portal and can be provided to the contractor. • Ensure contractor understands their participation in IT security requirements for C&A of the VA system to which they connect. • Enforce contractor performance (timely submission of deliverables, compliance with personnel screening requirements, and appropriate termination activity as appropriate).	Yes ☐ No ☐
7.	Is the acquisition a service that involves the storage, generating, transmitting, or exchanging of VA sensitive information but does not require C&A or a MOU-ISA for system interconnection? If no, then specify the mechanism/documentation used to ensure the VA sensitive information is protected. If yes, then incorporate the security clause and the appropriate security language from Appendices B and C into the solicitation and contract. The COTR needs to: • Ensure that a Contractor Security Control Assessment (CSCA) is completed within 30 days of contract approval and yearly on the renewal date of the contract.	Yes ☐ No ☐

	• Ensure that the CSCA is sent to the ISO and the OCS Certification Program Office for review to ensure that appropriate security controls are being implemented in service contracts. • Ensure a copy of the CSCA is maintained in the Security Management and Reporting Tool (SMART) database. COTR will provide a copy of the completed CSCA to ISO for uploading into SMART database.	

3. SIGNATURES

Please provide the name and telephone number of each Acquisition Team member who participated in completing this checklist. By signing this checklist, the Contracting Officer is representing that Security was considered for this requirement through coordination with members of the Acquisition Team including the program or requesting office's IT Security point of contact.

(1) **Contracting Officer Representative**:

Name:	Phone:
Signature:	Date:

(2) **Information Security Officer**:

Name:	Phone:
Signature:	Date:

(3) **Contracting Officer:**

Name:	Phone:
Signature:	Date:

(4) **ProcurementRequestor/Program Manager:**

Name:	Phone:
Title:	
Signature:	Date:

(5) **Privacy Officer:**

Name:	Phone:
Signature:	Date:

(6) **Other Team Members participating in the acquisition (e.g., Records Management Officer/Compliance Officer):**

Name:	Phone:
Title:	
Signature:	Date: