

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 04, Wilkes-Barre VA Medical Center (WBVAMC), 1111 East End Blvd, Wilkes-Barre, PA 18711-0026. This is a Justification for Other Than Full and Open Competition for a request for service, maintenance, and repair of government owned Building Automation System (METASYS). The applicable 2237 number is 693-14-2-539-0065.
2. **Nature and/or Description of the Action Being Processed:** One year service, maintenance, and repair agreement for the government owned BAS. The system provides automated operation and supervision of critical equipment and controls at the medical center and CBOCS.

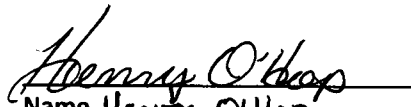
Manufacturer/Contractor: Johnson Controls Inc.

Manufacturer/Contractor POC & phone number: Sue Landis (61)-391-2781

Manufacturer/Contractor Address: 7310 Tilghman Street – Suite 550 Allentown, PA 18106

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Provide a one year maintenance contract for the BAS as described in the Statement of Work. The BAS is operated by Johnson Controls Inc. METASYS plays a vital role in patient safety by automatically controlling and monitoring critical HVAC and refrigeration equipment. The system provides alarms and warnings of system malfunctions and is monitored on a 24/7/365 basis by WBVAMC FMS employees. This is a new contract, and it will be awarded as a firm-fixed-price-contract. This contract is estimated to be awarded for \$71,386.30. The period of performance for this acquisition shall be Date of Award – 1 year from Date of Award. However, this contract will be set up for 1 base year + 4 option years for estimated total of \$390,369.46. This total cost incorporates a 3% inflation adjustment per year, compounded.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - () (2) Unusual and Compelling Urgency per FAR 6.302-2;
 - () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - () (4) International Agreement per FAR 6.302-4
 - () (5) Authorized or Required by Statute FAR 6.302-5;
 - () (6) National Security per FAR 6.302-6;
 - () (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Johnson Controls Inc. holds the software rights for the highly specialized METASYS operating system. Johnson Controls Inc. is the only party that can maintain and provide updates to the operating systems program and has technicians trained for these purposes. Substantial duplication of cost to the government would result and is not expected to be recovered through competition if this sole source were not to be approved.

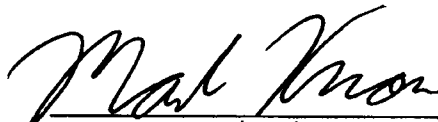
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Due to the size and complexity of the BAS system, changing the system would not be cost effective. Johnson Control may not be held liable for any changes that were to be made to the existing software or components by any other than a factory trained John Control Inc. technician.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Based on this previous service being previously provided at a cost of \$71,386.30, a cost of \$390,369.46 for a five year contract is determined to be the anticipated cost. This total cost incorporates a 3% inflation adjustment per year, compounded.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The internet, practical utilization of warranties to this applicable service, and past experiences for the types of repairs and software was utilized to determine who could provide this required service. However, as previously stated, Johnson Controls Inc. is the only factory authorized organization capable of performing these actions.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section VI above.
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:** Do to the facility's needs of system such as the Johnson Controls Inc. METSYS BAS and the copyrights and patents that result, competition to provide this service without substantially duplicating costs make competition difficult.
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.


Name Henry O'Hop
Title Maintenance Supervisor
Facility Wilkes-Barre VA Medical Center

3/26/2014
Date

13. **Approvals in accordance with FAR 6.304**

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

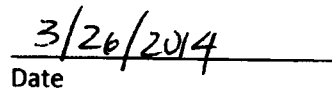

Name Mark Knorr
Title: Contracting Officer
Facility: Wilkes-Barre VA Medical Center

3/26/14
Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.


Name

Title: Deputy Director of Contracting
Facility: Wilkes-Barre VA Medical Center


Date