

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 04, Erie VA Medical Center

2. **Nature and/or Description of the Action Being Processed:** Acquisition of proprietary Johnson controls Metasys System for use in the Erie VA Medical Center for the project named "Renovation of the RF Rooms in Radiology", project number 562-13-103. This action will be incorporated into the firm-fixed-price construction contract for the renovation of this space.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Erie VAMC currently utilizes the Johnson Controls Inc., Metasys Building Automation and Control Systems (Metasys System) as the overall control for all Heating and Ventilation and Air Conditioning (HVAC) in the main hospital building (Building 01) and all surrounding buildings on the campus. The space is currently controlled by the Metasys System and will be utilized as the main control system for this project. The Metasys System allows for 24 hour/7days/week continuous monitoring of all HVAC equipment installed on the Erie VAMC campus. These control systems are required for a 100% fully compatible HVAC Control System to be utilized at the above mentioned site. The estimated value for the Johnson control Metasys System for this project is \$15,720. At this time, it is anticipated that the contract for this project will be awarded sometime between Oct. 2014 and Dec. 2014 with a construction duration of 1 year.

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):** The acquisition is authorized pursuant to 10 U.S.C. 2304(c)(1), and is implemented by FAR 6.302-1(c). Only one responsible source and no other supplies or services will satisfy agency requirements.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Any action to increase competition for the supplier of HVAC control systems would cause an undue hardship on the Erie VA Medical Center. This VAMC has been making a conscious effort to standardize their HVAC Control systems in the past in an effort to increase the

control of all critical aspects of the HVAC systems. The installation of a system which is not compatible to the present Metasys System would cause increased maintenance problems through false alarms, incorrect temperature control and equipment monitoring of critical HVAC systems utilized in a surgical environment. The effect would impact the operation of the facility, service to the veterans and would cause substantial inefficiencies with the maintenance staff. There would be an increase in acquisition cost by having to purchase the front-end hardware/software and would still involve disjointed systems without integrity and an unmanageable HVAC Control System.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Cost will be extensively evaluated based on review of published prices by the requesting agency in order to ensure costs are appropriate.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Further market research was not conducted based on same content provided in paragraph 6 above.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** N/A

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** N/A

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:** N/A

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.

_____	6/11/2014
Linnea Ethridge	_____
General Engineer, COR	Date
Erie VAMC	

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.

_____	_____
Donald J. Kalivoda	Date
Contracting Officer	
Erie VAMC	

- b. **One Level above Contracting Officer:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Jaimy Rand
Supervisor Contract Specialist
Erie VAMC

Date

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

Name
Network Contract Manager
VISN/PCA X

Date

Title
Facility

- d. **SAO (If over 650K):** I certify the justification meets requirements for other than full and open competition.

Name
Director
Service Area Office, East

Date

- e. **VHA 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 \$12.5 million) or approve (\$650K to 12.5 million) for other than full and open competition.

Name
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

Date

- f. **VA Deputy Senior Procurement Executive Approval (over \$12.5 million but not exceeding \$50 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.

C. FORD HEARD
Deputy Senior Procurement Executive (DSPE)
Office of Acquisition and Logistics
Department of Veterans Affairs

Date

- g. **VHA Senior Procurement Executive Approval (over \$50 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.

Jan R. Frye
Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

Date