

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval (J&A)

For

### Other Than Full and Open Competition (>\$150K)

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 10, 260 E. University Avenue, Cincinnati, OH 45219. The Requesting Agency is VISN 10, VAMC Medical Center, Engineering Service (138), 3200 Vine Street, Cincinnati, OH 45220. The Solicitation Number is VA250-14-B-0516. The 2237 Number is 539-15-2-6905-0010

2. **Nature and/or Description of the Action Being Processed:**

Engineering Service is requesting approval to use other than full and open competition to solicit a Brand Name Only for Nurse Call System known as "Tellegence" manufactured by Ascom for use on **Project No. 539-16-205, Correct Inpatient Mental Health Deficiencies.** This project will be awarded as a new Firm-Fixed Price contract. This justification is requesting that all contractors be required to directly negotiate with the manufacturer of Nurse Call System -Ascom without providing for full and Open Competition. This Justification and Approval (J&A) is submitted pursuant to the authority of 10 U.S.C 2304 (c) (1) or 41 U.S.C. 253 (c) (1), which provides that full and open competition need not be obtained where there is "only one responsible source and no other supplies or services will satisfy agency requirements." Federal Acquisition Regulation (FAR) Part 6.302-1(c) "Only one responsible source and no other supplies or services will satisfy agency requirements."

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

The subject project involves some improvements to the existing 7 North Inpatient Mental Health Unit Cincinnati VAMC project to Correct Inpatient Mental Health Deficiencies which calls for the expansion of the existing nurse call system – Tellegence. The subject project involves the construction of new inpatient bed rooms, as an expansion of the existing 5 North Inpatient Bed Unit. To construct new patient rooms means the expansion of the existing Nurse Call System, consisting of Staff Consoles, Staff/Duty Stations, Patient Call Stations, Toilet (Emergency) Call Stations, Dome Lights, Staff Presence Stations, Code Blue Stations, Annunciator panels, IP Switches, Gateways, ARMS/ESM/Bridge server and software, Call Cords, Pillow Speakers, Training and integration with Vocera Wireless Instant Voice Communication System (via Messenger Middleware). The equipment will be purchased from Ascom and installed by a contractor yet to be determined. The Estimated delivery is 5-10 weeks after receipt of order.

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 above listed system is an extension of the current system already in place. As such, each new device must tie into and communicate with the existing facility nurse call and code blue system, which is manufactured by Ascom Patient Systems (Tellegence). It is important that the system is reliable and fully functional to ensure patient care standards are maintained. Each device in a nurse call and code blue system is fully addressable and is constantly monitored by the system head end (Gateways and Internet Provider Switches). Due to the addressable nature of these nurse call and code blue systems, only Ascom - Tellegence devices can be connected to the existing head end. Software/hardware conflicts would make it impossible for devices by another manufacturer to communicate with the existing nurse call and code blue system, and could result in a non-functional Patient Care environment or two separate Nurse Call and Code Blue Systems the facility would have to maintain.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

A/E Contractor App Architecture, Inc.'s plans specifically mention the continued use of Ascom - Tellegence nurse call system. Efforts were not made to solicit from other information nurse call manufacturers, because it is App Architecture, Inc.'s expert opinion that utilizing other manufacturer's nurse call system would decrease the consistency and reliability of the facility's operations. This in turn would cause the patient care provided to our veterans to suffer. Although this is a proprietary system, the equipment and installation will be competitively bid through the SDVOSB contractor set aside. App Architecture, Inc. was determined to be a responsible design firm during the Indefinite Delivery Indefinite Quantity (IDIQ) process. This solicitation will be publicized via Federal Business Opportunities (FedBizOpps). The approved Justification and Approval (J&A) for Ascom - Tellegence equipment will be posted with the solicitation.

A Pre-Solicitation Notice (VA250-15-B-0066) was created on December 09, 2014 and Sources Sought Notice (VA250-15-N-0070) was generated on December 17, 2014 to gauge marketplace interest and encourage local Service Disabled Veteran Owned Small Business (SDVOSBs) contractors to bid. The customer would like to foster competition and have several bids available for evaluation. There have been several inquiries to the Pre-Solicitation notice - Twenty-Two (22) SDVOSBs: Nora Contracting, LLC., Folkman Inc., French Construction LLC, The Geiler Company, Hamilton Pacific Chamberlain, HD Solutions, LLC, Northview Enterprises, Inc., Opcon, Inc., KSA-Krantz Systems & Associates LLC, Cham Technologies, Inc., Legends Construction, LLC, QED Enterprises Inc, Calvary Contracting, Inc., J.L. Moore, Inc., Davko Services, LLC, Citibuilders Group, LLC, Parmac Construction LLC, Johnson Danforth, Inc., Armcorp Construction, Inc., AAECON General Contracting LLC, Tipton Construction, Inc., and Allied Cleaning Solutions, LLC.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

To counteract the lack of competition in the acquisition and installation of the Ascom equipment, the entire project will be solicited as an Invitation for Bids (IFB). Furthermore, because the Ascom equipment is being purchased at prices consistent with their GSA contract, their prices have been determined to be fair and reasonable. Determination of fair and reasonableness of cost will be based upon a complete price analysis and Independent Government Cost Estimate. A search of the VetBiz database indicated the availability of 1221 SDVOSB's across the nation with North American Industry Classification System (NAICS) code 236220 (Commercial and Institutional Building Construction). Based upon the twenty-two (22) responses to the pre-solicitation notice, the ten (10) responses to the sources sought and the information outlined above as well as Ascom's GSA contract prices, the contracting officer believes that the anticipated cost to the government for the entire project will be fair and reasonable

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

The Correct Inpatient Mental Health Deficiencies is a SDVOSB set aside. The market research for this J&A is for the Ascom module only. Pricing for the Ascom module is by the A&E based on past experience with sole sourcing. The Ascom equipment has been in place and maintained here at the Cincinnati VAMC. This facility has standardized this equipment throughout the hospital in order to function properly for patient safety. In accordance with FAR 6.302-1, it is in the best interest of the Government to purchase the same brand of equipment (Tellegence). As described in Section VI above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, sources sought and soliciting inquiries from interested parties. As stated earlier, Market Research was conducted using a Federal Business Opportunities synopsis, sources sought and using queries of the VET BIZ database. Responses to the pre-solicitation inquiries were Twenty-Two (22) SDVOSBs: Nora Contracting, LLC., Folkman Inc., French Construction LLC, The Geiler Company, Hamilton Pacific Chamberlain, HD Solutions, LLC, Northview Enterprises, Inc., Opcon, Inc., KSA-Krantz Systems & Associates LLC, Cham Technologies, Inc., Legends Construction, LLC, QED Enterprises Inc, Calvary Contracting, Inc., J.L. Moore, Inc., Davko Services, LLC, Citibuilders Group, LLC, Parmac Construction LLC, Johnson Danforth, Inc., Armcorp Construction, Inc., AAECON General Contracting LLC, Tipton Construction, Inc., and Allied Cleaning Solutions, LLC. Market research has been previously conducted for prior projects, concerning this subject. Ascom - Tellegence Nurse Call Systems are currently in use throughout the entire hospital.

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

The requirements for another nurse call system would not adequately support the needs of the facility. The Ascom Patient Systems – Tellegence relies on the system “loop” concept where each device is reliant upon the others. This improves the reliability of the system as a whole, because it cannot be knocked offline or have its functionality limited by one device failure. In addition, attempting to introduce a nurse call system of a different manufacture with different software would compromise the ability of Nursing Service to provide efficient patient care, let alone the other issues of how it would be able to communicate with the existing nurse call system.

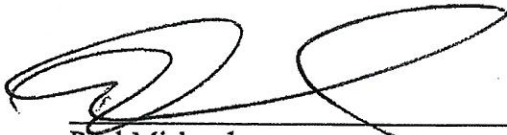
**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

As described in Section VI above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition and reviewing interested vendors listed on the FBO website. The pre-solicitation notice was for the entire project.

**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:**

Solicitations for future requirements will utilize "brand name or equal" language, if it is in the Government's best interest to do so. The current requirement must be solicited using a brand name description because the Government needs to create an exact copy of a system/item that is currently in use.

**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.

  
Paul Mishurda  
Project Engineer, Engineering Service  
VAMC - Cincinnati, OH

1-23-2015  
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.

RONALD T.  
HEIDEMANN 189657

Digitally signed by RONALD T. HEIDEMANN  
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1-23-2015

Ronald T. Heidemann  
Contracting Officer  
Network Contracting Office (NCO) 10

Date

- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.

JOSEPH L.  
BOGGS 315360

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Joseph Boggs  
Construction A/E Product Manager, Team 1  
Contracting Office (NCO) 10

1-26-15  
Date