

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

**1. Contracting Activity:**

The activity for this requirement is the Department of Veteran Affairs Medical Center (VAMC), Lebanon VA Medical Center, Located at 1700, South Lincoln Ave, Lebanon, PA 17042. The contract is being administered by Network Contracting Office 4 (NC04), located in Wilmington, Delaware. This is a Justification and Approval for Other Than Full and Open Competition Brand Name Only for HVAC Controls — Delta Controls which is a small portion of the construction materials requested on Minor Project No. 595-335, Construct ICU/MED/SURG.

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

Request for other than full and open competition — use of brand name specification for the Construct ICU/MED/SURG construction project. Contractor shall furnish management, supervision, labor, transportation, equipment, and materials, and perform work to include general construction, alterations, mechanical and electrical work, and certain other items as required by project drawings and specifications for Project No. 595-335 Construct ICU/MED/SURG.

This acquisition is fixed-firm price.

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

HVAC Controls — Delta Controls — see Specification Section 23 09 23: Engineering, programming, controls and installation materials, installation labor, commissioning and start-up, training.

Estimated value - \$30,979

**4. Statutory Authority Permitting Other than Full and Open Competition:**

41 USC §253(c)(1), as implemented by FAR 6.302-1.

- ☒ (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):**

HVAC Controls — Delta Controls — see Specification Section 23 09 23: Restriction of sources for this acquisition is justified in accordance with FAR8.405-6(b)(3). Although there are other manufacturers of HVAC controls that can meet the Government's minimum requirements, it is not in the Government's best interest to award an acquisition to any brand other than Delta. Delta controls have been implemented at the facility as of October 2009. The use of Delta Controls will meet the operational need of the Lebanon VAMC, by giving the engineering department redundant HVAC operational control. Use of other manufacturers would lead to storing additional inventory, functioning issues due to non-compatibility with existing equipment, multiplicity of service contracts, and

increased training and operator requirements.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A Notice of Intent to Sole Source HVAC controls — Delta Controls will be posted on FedBizOpps with the solicitation. Offerors will be able to obtain Delta Controls from various distributors and sources available in the open market.

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

Based on the information above, it is hereby determined that this written justification for a particular brand names, is essential to the Government's requirements, and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet the agency's needs. Therefore, these products will be specified as a brand name for this construction project as only these products meet the Government's needs.

This procurement is an RFP, resulting in a firm-fixed price contract award. The contracting officer, IAW FAR 13.106-3(a)(1), anticipates the offered price to be fair and reasonable based on adequate price competition. Certified Cost or pricing data and audits are not required.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The existing HVAC controls throughout the entire Lebanon VAMC facility is Delta Controls. The HVAC controls requires the same manufacturer in all facilities throughout the campus. Per the market research conducted, the sensors can be any brand of 10k type III sensing element on temperature, and must give a 0 – 10v input signal. Beyond the sensing elements, the controllers and all other equipment must be Delta to work with the Delta system.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** All the specifications and drawings and engineering descriptions associated with Project #595-335 have been developed identifying the Delta Controls as the standard system throughout the Lebanon VAMC.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section 6 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:** In the future if there is a requirement to re-accomplish the entire facility with a new HVAC control system, that requirement would be competed.

**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.

Thaddeus S. Kocuba  
Facility Manager  
Lebanon VA Medical Center

Date: 12/4/2015

## **12. Approvals in accordance with FAR 6.304**

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

Charles H. Peck, Jr. Date: 12/4/2015  
Contracting Officer, Construction-East  
Network Contracting Office 4

**Supervisor Concurrence:** I certify the justification meets requirements for other than full and open competition.

Dianne E. Smith  
Branch Chief, Construction-East  
Network Contracting Office 4