



**U.S. Department of Veterans Affairs (VA)
Service Area Organization (SAO) West,
Network Contracting Office (NCO) 19
4100 East Mississippi Avenue, Suite 900
Glendale, CO 80246**

**Justification and Approval (J&A)
For
Other Than Full and Open Competition
(Brand Name Justification)
Project: #442-16-101, Penthouse Switchgear Replacement**

1. Contracting Activity:

Department of Veteran Affairs
NCO 19 Colorado
4100 East Mississippi Avenue, Suite 900
Glendale, CO 80246

Requiring Activity: Cheyenne Veterans Affairs Medical Center (CVAMC)

Purchase Request: 442-16-1-963-0003

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

This is the application of a brand name justification of particular products and / or items by specific manufacturers which does not provide for full and open competition. These product and/or items are vital to this project success, therefore these brand name procurement products and/or items are as follows: 1) JCI HVAC controls (i.e.BAS); 2) Siemens Fire Alarm System. These products are included in a new fixed price Total Service-Disabled Veteran Owned Small Business set-aside competitive procurement action to be awarded for the Penthouse Switchgear replacement at the Cheyenne VA Medical Center in Cheyenne, WY.

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

The Cheyenne VAMC Penthouse Switchgear project will be removal of the motor control center NHP-1 and EHP-1 located in the penthouse of the clinical addition. Replacement of motor control centers with switchboards and motor starters or VFD's at each piece of equipment as shown on the drawings. Work to include re-work of existing controls and fire alarm connections to existing equipment to maintain existing functionality. All work to be performed as required by drawings and specifications.

PRODUCT / ITEM	QUANTITY	UNIT PRICE	TOTAL PRICE
Siemens Fire Alarm System (extension of existing system)	1		
JCI BAS System (extension of existing system)	1		

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

The statutory authority permitting other than full and open competition is 41 U.S.C. 3304(a)(1), as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

5.1 Siemens Fire Alarm System: The Siemens fire alarm system is exclusively used at the Cheyenne VA medical center. Use of other manufacturers in this facility 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. Additionally, Siemens fire alarm systems can only be procured and/or installed by an authorized Siemens distributor. In order for this existing system to continue to function properly and provide the highest level of life safety (i.e. fire safety) for all of our patients, staff, and visitors, it is essential that expansions and upgrades of this system be accomplished using only Siemens equipment. Fire alarm components by their nature are proprietary technology and virtually impossible to duplicate due to company patents, compatibility programming issues, the life safety risks, and liability associated with these products. The substitution of products is prohibited by Underwriters Laboratory Testing (UL) and Factory Mutual (FM) because all equipment must be tested as a system.

5.2. Building Automation System (BAS): JCI is the manufacturer and service agent for the existing Building Automation System (BAS) at the Cheyenne VAMC. The BAS is comprised of proprietary hardware and software that controls the operation of the facility mechanical systems (provides automated control of the HVAC as well as several ancillary systems). Johnson Controls Inc. would be the sole-source sub-contractor for the Controls portion of the project.

The Johnson Controls Inc. (JCI) Building Automation System (BAS) is an extremely expensive system and is networked throughout the entire Cheyenne VAMC facility. The reliability of the BAS is of the utmost importance to maintaining proper operation of the facility. Failure of the BAS would adversely affect patient access to care. The BAS utilizes proprietary hardware and software to control building operation. The VA cannot afford to risk the reliability of the BAS by introducing outside vendor hardware or software into the existing Johnson Controls Inc. BAS system. Outside vendors interfacing with the JCI BAS may void existing software and hardware warranties from JCI.

This project will add equipment which will be controlled by the BAS. Control of the added equipment requires both hardware and software modifications. Johnson Controls

is the only qualified vendor to make hardware and software changes to the existing BAS.

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

Efforts are made to solicit from as many potential sources through synopsis in accordance with FAR 5.202 (a)(z). A presolicitation notice for this requirement has been posted to the Federal Business Opportunities site.

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

Products are included in the solicitation set aside for Service-Disabled Veteran-Owned Small Business (SDVOSB) concerns; resulting in the award of a firm-fixed price construction contract. Fair and reasonable determination will be based on the pricing received from competitive proposals.

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

Additional market research was not conducted as no “or equal” products will satisfy the essential nature of this Government requirement, thereby precluding considerations of products manufactured by another company.

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

Full and open competition would result in either an absolute failure of one or more of the Cheyenne VA medical center critical facility infrastructure systems to work at all or, at the very least, drastically increased costs to operate and or maintain. In addition, durability would be sacrificed which would result in increased maintenance and replacement costs (i.e. will need to be replaced much sooner). Standardization of most facility systems according to the preponderance of long term industry data results in substantially reduced costs for parts as well as maintenance and repair labor that far outweigh the potential savings to be had by full and open competition.

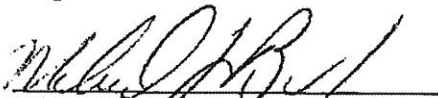
10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

None

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:

These products are vital to the operability of the Cheyenne VA medical center. The brand name products identified in this Justification and Approval will tie-in to the existing systems in the facility. Furthermore, if future projects are required for this facility, the Government shall consider the use of “or equal” products, provided they do not require a tie-into an existing system within the facility.

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.



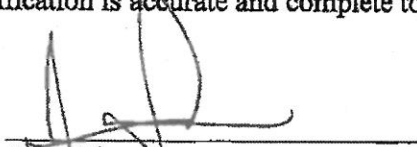
Michael J. Bell
Supervisory Engineer
Cheyenne VAMC, Cheyenne, WY

22 June 2016

Date

13. **Approvals in accordance with VHAPM, Volume 6, Chapter VI:OFOC SOP**

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



Jason Thomas
Contracting Officer
NCO 19

22 June 2016

Date

- b. **Branch Chief Certification (concurrence):**

Andrew M
Stigen 452333

Digitally signed by Andrew M Stigen
452333
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@va.gov, cn=Andrew M Stigen 452333
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Andrew Stigen
Branch Chief, Construction
NCO 19

7/22/2016

Date

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

Gary J. Arwood 147825

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Gary Arwood
Division Chief, Contracting
NCO 19

Date