

LIMITED SOURCES JUSTIFICATION

ORDER >\$150,000

FAR PART 8.405-6

Acquisition Plan Action ID: VA244-16-AP-4310

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source: Provide original manufacturer's name for material or contractor's name for service.

Manufacturer/Contractor: Johnson Controls Inc. (JCI)

Manufacturer/Contractor POC & phone number: Johnson Controls Inc. / [REDACTED]

Mfg. /Contractor Address: Johnson Controls Inc. / 117 Technology Drive Pittsburgh, PA 15275-1005

☒ The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs
Pittsburgh Healthcare System
1010 Delafield Road
Pittsburgh, PA 15215

VISN:

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(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

This is a limited source justification in accordance with FAR 8.405-6 for items peculiar to one manufacturer. The requirement is for software maintenance and system components to the JCI Metasys building automation system at the University Drive Campus of VAPHS.

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

Services include inspection, testing and calibration of all the components of the JCI Metasys BAS. JCI shall provide all software upgrades as necessary to keep system current and functioning at optimum level.

(b) ESTIMATED DOLLAR VALUE: \$158,880.00

(c) REQUIRED DELIVERY DATE: One year from date of Task Order award.

(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.

☒ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

Johnson Controls is the sole provider for the software, equipment, and components that are compatible with the existing campus wide Metasys system. The proprietary nature of the system software

eliminates competition. JCI does not participate in the outsourcing of data, software or other maintenance services. Non-certified technicians do not have the authority or technical capacity to provide these services. Johnson Controls technicians are the only authorized personnel capable of performing these services because of the knowledge and access rights necessary for full service. Allowing unauthorized technicians the level of access needed to execute this contract would result in deeply embedded system errors, which would lead to system failures, loss of warranties, and potential harm to VAPHS patients, visitors, and staff.

☒ A patent, copyright or proprietary data limits competition. The proprietary data is:
(If FAR 8.405-6(a) (2) iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

Johnson Controls, Inc. owns exclusive proprietary rights to the trademarked Metasys System including all system software and components within the system as well as system controllers connected to the Metasys Building Automation.

(4) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

This order will be a task order against GSA contract GS-07F-190CA. GSA previously determined the pricing in the contract to be fair and reasonable. The price is determined Best Value to the government based upon past contract VA244-13-C-0156 pricing for comparable services with JCI in addition to, comparison with Independent Government Cost Estimate (IGCE) of [REDACTED] per contract year.

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

Market Research was conducted by [REDACTED] as outlined in the market research report, briefcase file P02. The result of said research shows that Johnson Controls is the sole provider for the software, equipment, and components that are compatible with the existing campus wide Metasys system.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

None

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

Until Johnsons Controls makes its data and software available to third party providers, or the entire Building Automation System is converted to nonproprietary system this service cannot be competed.

(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

[REDACTED]

6/8/2016

SIGNATURE

DATE

[REDACTED]

COR

NAME

TITLE

SERVICE LINE/SECTION

VAPHS

FACILITY

(10) APPROVALS IN ACCORDANCE WITH THE 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.

[REDACTED]

6/8/2016

CONTRACTING OFFICER/DESIGNEE'S SIGNATURE

DATE

[REDACTED]

NCO4

NAME AND TITLE

FACILITY

b. Director of Contracting/DESIGNEE: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

[REDACTED]

06/08/2016

SIGNATURE

DATE

[REDACTED]

NAME

NCO4/Services 1 Branch Chief as delegated by Director of Contracting