

LIMITED SOURCES JUSTIFICATION

ORDER >\$150,000

FAR PART 8.405-6

528-17-1-7896-0005

Acquisition Plan Action ID: VA528-16-AP-3139

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:

Manufacturer/Contractor: Johnson Controls, Inc Contract: GS-06F-0060P VA528-13-F-0930

Manufacturer/Contractor POC & phone number: Mike Anselment, 315-431-7701 or 315-430-3153

Mfgr/Contractor Address: 105 Twin Oaks Drive

Dealer/Rep address/phone number: N/A

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

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

VAMC – Syracuse

800 Irving Avenue

Syracuse, NY 13210

VISN:

VISN 2 (North)

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

This contracting activity proposes to award under FAR part 8 sole source with Johnson Controls, Inc. (JCI), 105 Twin Oaks Drive, Syracuse, NY 13206, to provide monthly services to the Johnson Control's Metasys software and controls hardware located at the Syracuse VA Medical Center. This acquisition will be conducted using sole source procedures, based on a market survey which yielded that no other business concerns could fulfill this requirement due to the fact that the existing JCI building automation system software was programmed by JCI and, although unlikely another organization could perform this work, a third party vendor would jeopardize existing warranties for several recently completed projects

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Limited Sources Justification Format >\$150K

that utilize this software. Furthermore, any vendor not intimately familiar with Johnson Controls' software and the specific programming for the hospital, could adversely impact our ventilation systems, thus put patients at risk of infection. This system serves the surgery center and patient infectious disease isolation rooms. The estimate for this procurement is \$3,500 per month, procured monthly for 10/1/16 – 9/30/17 with 4 option years.

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

- A. Contractor shall provide 16 service hours per month of on-site service using a prioritized list provided by the Operations supervisor as their task list. This list will be kept in the Engineering Control Center (ECC) adjacent the Johnson Controls (JCI) workstation. When the list is complete, remaining hours shall be utilized to calibrate temperature, sensors and pressure sensors. A prioritized list of Air Handling Units (AHUs), Hot Water Stations, and Chilled Water Stations will be kept in the ECC.
- B. Provide emergency service to troubleshoot catastrophic HVAC control system failures where the failure causes widespread HVAC malfunctions or can interrupt surgeries or infection control systems. The contractor shall respond within 8 hours of an emergency service request. A separate purchase order will be generated for this work at the contract labor rates, per GSA contract GS-07F-190CA.
- C. Provide service and support for the Johnson Controls Metasys ADX system head end
- D. Provide Chiller Plan operational optimization services, to include monthly reports documenting energy consumption, efficiency and run times.

(b) ESTIMATED DOLLAR VALUE: \$351,431

(c) REQUIRED DELIVERY DATE: October 1, 2016

(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. (CHECK ALL THAT APPLY AND COMPLETE)

☒ 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.

Market research showed that JCI is the sole distributor of the equipment, have proprietary rights and have the capability to meet the Governments specific requirement for the Syracuse, NY VAMC building automation software system. Due to the fact that the JCI Metasys software system is manufactured by JCI and they being the sole distributor of the software system, have proprietary rights of the software system, which will satisfy agency requirements. In addition, the contractor must be an expert in the latest JCI Metasys software, be fully knowledgeable of our particular sequence of operations, and ensure the work will not impact the existing warranties. Improper programming could cost the hospital significant expenditures due to equipment failure, energy loss, and patient care.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Limited Sources Justification Format >\$150K

☒ 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.)

JCI is the sole source for the Metasys software system. Market research showed that JCI is the sole distributor of the equipment, have proprietary rights and have the capability to meet the Governments specific requirement for the Syracuse, NY VAMC building automation software system.

☐ These are “direct replacements” parts/components for existing equipment.

☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.
The Syracuse VAMC has installed ^

☐ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

(5) 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:

Any other vendor would not be able to perform the work included in the Statement of Work and would accordingly have to sub-contract to Johnson Controls, increasing the overhead cost of the contract. This is due to the fact that the JCI Metasys software system is manufactured by JCI and they being the sole distributor of the software system, have proprietary rights of the software system, which will satisfy agency requirements. In addition, the contractor must be an expert in the latest JCI Metasys software, be fully knowledgeable of our particular sequence of operations, and ensure the work will not impact the existing warranties. Improper programming could cost the hospital significant expenditures due to equipment failure, energy loss, and patient care.

(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 for the purpose of determining other viable sources in the open market with the ability to perform the same type of service. The market survey was conducted and the results are that Johnson Controls is the sole author of the software programs and no other company can meet this requirement. A sources sought was posted to GSA contract holders. No other company has expressed interest or submitted a capability statement indicating that they can meet this requirement.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

The control system hardware is manufactured by Johnson Controls and they being the sole distributor of the equipment have proprietary rights over the JCI software system, which will satisfy agency requirement. Acco Engineered Solutions, who responded to the sources sought notice confirmed that the HVAC system in place at the Syracuse VA is not one which they can service as it operates on the proprietary software platform.

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:

For all future requirements for this service market research will be conduct to determine if any certified technicians or providers have come into the market that can meet the requirements prior to determining procurement strategy.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Limited Sources Justification Format >\$150K

(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.)*

_____	Aug 30, 2016	_____
SIGNATURE	DATE	
Earl A. Evans	FCP 7896 Control Point Official/Supv Ops	Service Line/ FMS
NAME	TITLE	SERVICE LINE/SECTION
Syracuse VAMC, Syracuse, NY		
FACILITY		

(10) APPROVALS IN ACCORDANCE WITH THE [VHAPM, Volume 6, Chapter VI: OFOC SOP](#): *This part if filled out by Contracting Staff as part of the Justification*

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

_____	08/30/2016	_____
CONTRACTING OFFICER'S SIGNATURE	DATE	
Tony Murray, Contracting Officer	Network Contracting Office VISN 2-Albany	
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.

_____	_____
SIGNATURE	DATE
Irma Ferro, Division Chief	
NAME	
DOC Designee/Division Chief	