

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

**LIMITED SOURCES JUSTIFICATION**

**ORDER >\$150,000**

**FAR PART 8.405-6**

**Acquisition Plan Action ID: VA246-16-AP-10562**

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. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: SIEMENS INDUSTRY INC.

Manufacturer/Contractor POC & phone number: Brian Fleischhauer (919) 465-5216

Mfgr/Contractor Address: 1000 DEERFIELD PKWY BUFFALO GROVE, IL 60089-4547

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  
Network Contracting Office (NCO) 6  
100 Emancipation Drive  
Bldg 27  
Hampton, VA 23667  
6

**VISN:**

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

This is a request for other than full and open competition to procure monthly maintenance, inspections and repair for the Siemens Energy Management System at the VAMC in Fayetteville, North Carolina. This procurement will also include periodic software upgrades and calibration of equipment that controls HVAC, lighting, fire and smoke controls and other associated equipment that supports patient environmental comfort. This action will be a task order under FSS contract GS-06F-0033P.

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

The equipment is proprietary to the energy management system (EMS) and building automation system (BAS) installed at the VAMC Fayetteville. The sole manufacturer of this equipment is Siemens Industry, Inc. The only contractor qualified to maintain and repair the equipment is Siemens Industry, Inc.

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(b) ESTIMATED DOLLAR VALUE: \$435,912.00 (base plus 4 Options)

(c) REQUIRED DELIVERY DATE: 10/01/2016

(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.

A majority of control panel hardware and firmware is proprietary to Siemens. Siemens is the manufacturer of Siemens Building Automation products which are sold and delivered through Siemens' direct branch office network. Siemens is the only company that can provide network diagnostic support through it's proprietary software.

☒ 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.)

A majority of control panel hardware and firmware is proprietary to Siemens. Siemens is the manufacturer of Siemens Building Automation products which are sold and delivered through Siemens' direct branch office network.

☐ 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.  
Siemens Industry has designed and customized all the program logic for the control system within the hardware. System diagnostics and system performance adjustments must be performed by Siemens to assure the Apogee control system's integrity.

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☒ 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:**

Pricing is based on FSS pricing under Contract GS-06F-0033P and GSA has determined pricing to be fair and reasonable.

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

A search was GSA E-Library and GSA Advantage was completed and the only result discovered that could perform this maintenance is Siemens Industry.

An FBO Sources Sought notice (VA24616N1223) was posted in FBO. The only response received was from Siemens Industry.

A search of FPDS-NG discovered 30+ orders for Apogee BAS maintenance. All were awarded to Siemens using Limit Sources Justification authority.

**(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:**

N/A

**(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:**

At this time there are no actions to be taken to overcome barriers to competition as Siemens is the sole source. No further actions to be taken which could promote more competition in the future.

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(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

SIGNATURE

Timmy Farmer

DATE

9/27/16

NAME

TITLE

Utilities Supervisor

SERVICE LINE/SECTION

FMS / Utilities

Fayetteville VAMC

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.

CONTRACTING OFFICER'S SIGNATURE

Mark A Edzards

NAME AND TITLE

DATE

9/27/2016

NCO 6

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

Evelyn Ligon-Moton

DATE

9/28/2016