

**LIMITED SOURCES JUSTIFICATION**

**ORDER >\$150,000**

**FAR PART 8.405-6**

**Acquisition Plan Action ID: VA246-16-AP-4936**

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: Johnson Control, INC

Manufacturer/Contractor POC & phone number: \_\_\_\_\_

Mfr/Contractor Address: 4850 Brookside CT

Dealer/Rep address/phone number: Norfolk, VA 23502

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

**(1) AGENCY AND CONTRACTING ACTIVITY:**

Department of Veterans Affairs

100 Emancipation Dr.

Hampton VA, 23667

VISN: \_\_\_\_\_

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

Procurement request for Multiple Year Fixed Price with base and four option year full service agreement contract to maintain the VAMC's Johnson Controls Energy Management System. The recommended vendor for this proposed agreement is Johnson Controls INC.

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

The contractor will supply all transportation, labor, parts, materials, tools, specialized equipment, unlimited software updates and support, hardware upgrades, supervision and technical expertise, to include repair & replacement services emergency onsite response service and maintain Metasys Energy Management Systems for buildings 8, 13, 17, 33, 37, 43, 83, 110, 110A, 110B, 110D, 114, 116, 135, 137, 148, 167 and campus water tower at the Hampton VAMC in Hampton, Virginia. There is one control system involved: Johnson Controls Metasys with several variants. These variants include but no limited to the ICU system on the 3<sup>rd</sup> floor of building 110, lab area of building 110A and the operating room suite in 110A. This includes the operator's control computers that are located in building 8. Preventative maintenance visits shall include complete inspection and test of the equipment, and shall conform to manufacturer's factory specifications.

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(b) ESTIMATED DOLLAR VALUE: \$ 444,190

(c) REQUIRED DELIVERY DATE: 1 October 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.

Johnson Controls manufactures and own propriety rights of the Metasys software and mechanical controls used to operate the energy management system

☐ 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.)

☐ 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.

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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:**

Market research indicates other companies' similar products, or products lacking the particular feature, doesn't meet the agency's needs. Due to the uniqueness, Metasys software platform includes all transportation, labor, parts, unlimited software and hardware updates, onsite service, telephone support and repair & replacement services emergency onsite response service and maintenance visit during the contract period.

**(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 reveals that Johnson Controls Manufactures and own propriety rights to the Metasys software platform and mechanical controls used to operate the energy management system. Metasys is one of the three fired digital control energy system at HVMAC, and specific to Johnson Controls.

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

Over the past four year Metasys as provided and quality services for (590-C60035) \$41200, \$69,289.96 increase of additional equipment has been added. (590-C50059) \$51,900, (590-C40464) \$51,132.00 and (590-C30095) \$50378.04. Considering the services outlined in Paragraph 4, if this pricing trend continued over the next five years, then the costs would be fair and reasonable.

**(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:**

Under the authorities and actions cited above, and the fact there are no other available source, there are no actions to be taken to overcome barriers to competition for this contract. Johnson Control Metasys has been operating at Hampton VA Medical Center for over 18 years acquiring another vendor would result in purchasing an entire new management system, this option is not practical nor feasible.