

LIMITED SOURCES JUSTIFICATION

**ORDER >\$150,000
FAR PART 8.405-6**

Acquisition Plan Action ID: VA261-16-AP-4468

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 Controls, Inc.

Manufacturer/Contractor POC & phone number: Johnson Controls, Inc., Flavia Cronin, (866) 819-0234

Mfgr/Contractor Address: 21270 Cabot Blvd.

Dealer/Rep address/phone number: Same as above

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) 21

150 Muir Road

Martinez, CA 94553

VISN:

21

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

Sole source procurement to Johnson Controls, Inc. to provide maintenance service and regular monthly systematic inspection for Johnson Control Metasys Building Automation Systems (Model# ENBSF5010, SN M91306) for Buildings 62, 64 and remote station in Building T-16 at the VA Palo Alto Health Care System, Livermore Division.

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

The contractor shall provide all parts, equipment, tools, materials, labor, transportation and resources necessary to provide maintenance service and regular monthly systematic inspections for the Johnson Control Metasys Systems. The system requires the use of OEM exclusive replacement parts as well as proprietary diagnostic and management software to ensure proper maintenance and operation of the system.

(b) ESTIMATED DOLLAR VALUE: \$189,500.00

(c) REQUIRED DELIVERY DATE: December 1, 2016 – November 30, 2021

(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.
- As the OEM, Johnson Controls Inc. (JCI) has the resources to support the field products used at the VA Livermore campus as well as "Factory Trained" staff to exercise implementation of that support.
-JCI has the resource capabilities to providing parts on short notice, emergency situations, utilized for the system.
-JCI's ability as an OEM to provide responsive hardware and diagnostic support ensures the least possible downtime as required by a hospital environment.
-As this building automation system is a "legacy" system that has been in place for years, JCI, as the OEM contractor continues to provide warranty coverage on existing system parts.

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.
-Any parts requiring replacement are OEM direct replacement parts, which JCI provides a warranty on.

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 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.
-This requirement is a follow-on order to the existing maintenance contract with JCI. The Government will continue to realize large costs savings as JCI covers existing parts to the system and is part of their warranty program that has been utilized numerous times by the Government and will continue to be utilized to ensure proper maintenance of the building automation system.

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:

-Procuring this service as a follow-on contract with JCI will be the best value to the Government for several reasons, 1) parts of the system are currently under warranty and will continue to be under warranty with the new contract. 2) The software that manages the building automation system is proprietary to JCI; if a third party contractor were to be brought in, the system would have to be re-programmed which would cost the Government thousands of dollars. 3) The current system requires the use of OEM and JCI factory trained technicians to mitigate any extensive downtime; any lengthy downtime period would require the Government to contract out for temporary solutions to manage the facilities environment which would be a costly unnecessary expense.

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

There was no additional market research conducted as this requirement is a logical follow-on to the current contract with JCI which would be in the best interest of the Government to sole source for the following reasons identified in this justification.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

(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:

(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.)*

SIGNATURE
Craig Robbins
NAME
VA Palo Alto
FACILITY

Constructions & Maintenance
Foreman
TITLE

10/25/2016
DATE
VA Palo Alto, Engineering
SERVICE LINE/SECTION

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

(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.

MARK J. MIKUS
140783

Digitally signed by MARK J. MIKUS 140783
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0.9.2342.19200300.100.1.1=mark.mikus2@v
a.gov, cn=MARK J. MIKUS 140783
Date: 2016.10.25 10:11:10 -07'00'

CONTRACTING OFFICER/DESIGNEE'S SIGNATURE

DATE

Mark J. Mikus, Contracting Officer

NAME AND TITLE

Network Contracting Office (NCO) 21

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

NAME

NCO/PCO X Director of Contracting

HIGHER LEVEL APPROVAL (Required For orders over \$700,000):

c. VHA SAO HCA REVIEW AND APPROVAL (over \$700,000 to \$13.5 million): I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4

NAME

VHA Head of Contracting Activity (HCA)

DATE

d. VA Deputy Senior Procurement Executive Approval (\$13.5 million not to exceed \$68 million): I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4

Name

Deputy Senior Procurement Executive (DSPE)

DATE

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e. **VHA Senior Procurement Executive Approval (over \$68 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

JAN R. FRYE
Deputy Assistant Secretary
Office of Acquisition and Logistics
Senior Procurement Executive (SPE)

DATE