

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

Johnson Controls MetaSys Building Management Controls System

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 10, 260 E. University Avenue, Cincinnati, OH 45219.

The Requesting Agency is VISN 10, VAMC Medical Center, Engineering Service (138), 3200 Vine Street, Cincinnati, OH 45220.

2. **Nature and/or Description of the Action Being Processed:**

Engineering Service is requesting approval to use other than full and open competition to solicit a Brand Name Only for Direct Digital Automatic Temperature Control System (DDATCS) manufactured by Johnson Controls, for use on **Project No. 539-327, Replace Animal Research Facility, Phase 3**. This project will be awarded as a new Firm-Fixed Price contract. This Justification and Approval (J&A) is submitted pursuant to the authority of 10 U.S.C 2304 (c) (1) or 41 U.S.C. 253 (c) (1), which provides that full and open competition need not be obtained where there is "only one responsible source and no other supplies or services will satisfy agency requirements." Federal Acquisition Regulation (FAR) Part 6.302-1(c) "Only one responsible source and no other supplies or services will satisfy agency requirements."

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

The subject project involves the construction of new research lab and administrative space. The expansion of the existing Building Management Controls System involves DDATCS devices, consisting of controls/communications panels, sensors, actuators, automatic control valves, meters, computer hardware/software, programming, graphics, owner training, etc. The Estimated Value of the DDATCS is [REDACTED]. The Estimated Value of the Replace Animal Research Facility, Phase 3 project is [REDACTED].

4. **Statutory Authority Permitting Other than Full and Open Competition:**

- (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- () (2) Unusual and Compelling Urgency per FAR 6.302-2;
- () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- () (4) International Agreement per FAR 6.302-4
- () (5) Authorized or Required by Statute FAR 6.302-5;
- () (6) National Security per FAR 6.302-6;
- () (7) Public Interest per FAR 6.302-7;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

This project involves Building Optimization programming and requires that all parts of the DDATCS in the building work in concert with each other so the pressure in the building stays within a very tight range. This requires that the DDATCS communicates rapidly and efficiently with all components on the system. According to designers of this project, having disparate control systems in the building will hamper the Building Optimization program and the facility may not achieve the required pressures & temperatures in the building. As a result, this project will install components that are consistent with the existing Johnson Controls DDATCS at this facility. As such, each new device must tie into and communicate with the existing Facility DDATCS, which is manufactured by Johnson. Each device in a DDATCS, whether it's a temperature sensor or control panel, constantly communicates with the front end of the DDATCS. This allows the system to monitor each and every device, so that it can not only receive information, but also send control commands to the devices. Software conflicts would make it difficult and potentially problematic for devices by another manufacturer to communicate with the existing Johnson System.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

Research has shown that in the industry, it is standard for each DDATCS to have their own proprietary software which prohibits communication between different manufacturers. There is just too much at risk from an operations standpoint to attempt to intermingle manufacturers on a DDATCS; this facility has a Johnson DDATCS, and we should only add devices to it that are manufactured by Johnson. This solicitation will be publicized via FedBizOpps.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

Determination of fair and reasonableness of cost will be based upon a complete price analysis and Independent Government Cost Estimate. The anticipated cost will be considered fair and reasonable. This project will be issued as an Invitation for Bid (IFB). Tradeoffs and Evaluation Factors are not applicable for this project.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

Market research has been previously conducted for prior projects, concerning this subject. The Johnson Controls MetaSys Building Management Controls System is currently in use throughout the hospital.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

Maintenance and system familiarity, while secondary to the issues of warranty or UL Listing, are other important factors to consider. Engineering is charged with maintaining this system. Attempting to introduce a DDATCS of a different manufacture with different software would no doubt compromise the ability of Engineering to operate and maintain the facility efficiently, let alone the other issues of how it would be able to communicate with the existing DDATCS.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

See Section VI above.

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:

Solicitations for future requirements will utilize "brand name or equal" language, if it is in the Government's best interest to do so. The current requirement must be solicited using a brand name description because the Government needs to create an exact copy of a system/item that is currently in use.

12. 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 and belief.

ZACHARY G.
SCHMIDT 434330
Zachary Schmidt
Project Engineer, Engineering Service
VAMC – Cincinnati, OH

Digitally signed by ZACHARY G. SCHMIDT
434330
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=zachary.schmidt
@va.gov, cn=ZACHARY G. SCHMIDT 434330
Date: 2016.05.02 09:45:01 -0400'

5/2/16

Date

13. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

DONALD L.
WENTZEL 314394
Donald L. Wentzel
Contracting Officer
Network Contracting Office (NCO) 10

Digitally signed by DONALD L. WENTZEL 314394
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=donald.wentzel@va.g
ov, cn=DONALD L. WENTZEL 314394
Date: 2016.05.24 13:06:34 -0400'

5/24/2016

Date