

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval For Other Than Full and Open Competition

#### 1. Contracting Activity:

Department of Veterans Affairs, Network 11 Contracting Office (NCO), 8888 Keystone Crossing, Suite 1100, Room 1111, Indianapolis, IN 46240. 2237 Number 583-12-2-651-0292.

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

The proposed action is for the provision for a sole-source subcontractor to perform computerized building management control system upgrades as a component of the contract for Project "583-12-159 Convert VAVs to DDC" at the Roudebush VA Medical Center in Indianapolis, IN. The contract will be for a new firm, fixed price contract. The sole-source subcontractor will be ConServ, Inc., 9855 Crosspoint Blvd., Suite 110, Indianapolis, IN 46256.

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

Building management control system upgrades will include system design and programming the graphical interface. The period of performance is 270 calendar days after receipt of the Notice to Proceed.

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

The statutory authorities permitting other than full and open competition for this acquisition is 41 U.S.C. 253(c)(1), when "the supplies or services required by the agency are available from only one responsible source and no other type of supplies or services will satisfy agency requirements", as implemented by Federal Acquisition Regulation (FAR) 6.302-1(a)(2). The Government has determined that only one (1) responsible source for the supplies and service needed is available.

- ☒ (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):**

The existing computerized building management system has undergone extensive modification by ConServ in the last 12 months, and that work carries a one-year warranty on workmanship that would be rendered void if another vendor were allowed to make modifications to the source code, protocols or install non-compatible equipment connected to the system (See attached documentation). This would represent a significant loss of value to the government and create an environment of risk that has the potential to impair the environment of patient care by rendering all or part of the automated building control system inoperable or unstable. ConServ is the only Johnson Controls certified Authorized Building Controls Specialist (ABCS) in Indiana. In addition, ConServ is the only source that has the specific knowledge of the current and proposed system architecture without requiring an extensive learning curve. Since the essence of this project is the detailed design and implementation of specific configurations of the unique control system at the Roudebush VAMC, ConServ is solely and uniquely qualified to fill this need.

The highly complex and specialized nature of the Roudebush VA Medical Center's Building Management System dictates that the Controls Integration contractor must have demonstrated the experience, ability, knowledge, and skills in the areas of information technology, computer network design, object-oriented programming techniques, large scale hospital HVAC systems, government acquisition policies, the phasing of renovations in a hospital environment, the specific policies and standards for the existing and future state building management at the Roudebush VAMC, and all applicable VA standards for HVAC and building control systems. Accordingly, based on past experience at the Roudebush VA Medical Center by the Government's technical experts, ConServ, Inc is the only firm capable of providing the supplies and services described in this section.

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

None. As documented in this justification, only one responsible source is available and no other supplies or services will satisfy agency requirements.

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

The Contracting Officer will make a determination that the anticipated cost to the Government will be fair and reasonable. Prior to award, a complete price analysis will be fully conducted as required by FAR 14.408-2 and FAR 15.404-1(b).

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

Informal market research was conducted. On this solicitation, market research was conducted by searching the Central Contractor Registry on April 28, 2012 to determine that ConServ, Inc. is registered and certified and qualifies as an Emerging Small Business in accordance with the federal small business size standard for the applicable North American Industry Classification System code 238210. This search also concluded that ConServ is registered and certified and qualifies as a Small Business in

accordance with the federal small business size standard for the applicable North American Industry Classification System codes 541512 and 541618. ConServ is the only Johnson Controls certified Authorized Building Controls Specialist (ABCS) in Indiana. The Government's technical experts have therefore determined that ConServ, Inc. is uniquely capable of meeting the Government's technical requirements.

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

The Roudebush VA Medical Center operates a complex computerized building management system to execute its mission of delivering the highest quality of health care to our nation's veterans. The Roudebush VAMC's building management system has been subject to a systematic technology upgrade, both to replace outmoded equipment no longer supported by the manufacturer, Johnson Controls, and to expand the capabilities of the system in support of energy conservation initiatives as mandated by EO 13423 and EISA 2007. The VAMC requires services of a contractor to provide configuration, customized software development and integration services in support of the Medical Center's unique and specific Johnson Controls Facility Explorer software system to include file conventions, scheduling protocols, existing code standards, engineering and design of sequences of operation, and conversion phase management, including the state of transition between the outmoded Johnson Controls Metasys system and the new Facility Explorer system.

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

ConServ, Inc., 9855 Crosspoint Blvd., Suite 110, Indianapolis, IN 46256.

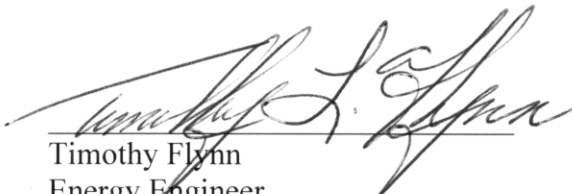
**11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:**

When no existing building management system is in place, or the existing building management system is considered obsolete and will be replaced in its totality, then full and open competition should be encouraged. However, when expanding or enhancing a viable building control system, as might be the case of a wing addition or adding enhanced functionality such as modifications to user interfaces or complex optimization routines, past experience throughout the industry as well as within the Veterans Administration has proven that mixed-manufacturer systems, or specialized configuration from multiple systems integrators has been less than successful. While some effort has been made to establish interoperability protocols, such as BacNet, the major equipment vendors have persisted in developing their systems in a proprietary manner and "patchwork" systems from multiple vendors at a single facility have fundamental problems that invariably result in sub-optimal performance, higher costs of maintenance, limitations in soliciting support and maintenance contracts, difficulties in training operations staff, and accountability for problem resolution ("finger-pointing") when seeking warranty redress.

The Roudebush VA Medical Center has adopted the use of the Niagra/Tritium based software platform in an effort to provide the most open-protocol environment for future enhancements. This technology is supported by most of the major vendors of building management systems, and is the best-of-breed solution when interoperability of multiple system vendors is a priority. By adopting this software standard, the Roudebush VA Medical Center is seeking to establish a future state where brand-specific hardware is no longer required to maintain the functionality and reliability of the building management system.

**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.

  
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Timothy Flynn  
Energy Engineer  
Richard L. Roudebush VA Medical Center

5-9-12  
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.

  
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Aaron Lacy  
Contracting Officer  
Network 11 Contract Office

5-9-12  
Date

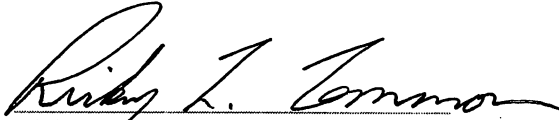
b. **NCM/PCM**  
other than full and open competition.

I certify the justification meets requirements for

  
\_\_\_\_\_  
Donald R. King  
NCO 11 Network Contract Manager

5/10/12  
Date

- c. SAO I certify the justification meets requirements for other than full and open competition.



Ricky L. Lemmon  
Acting SAO Director  
Central Region

5/16/12  
Date

- d. VHA HCA Review and Approval:

I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval or approve  
for other than full and open competition.

NORBERT S. DOYLE  
Chief of Procurement and Logistics Officer  
VHA, Head of Contracting Activity

\_\_\_\_\_  
Date