

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval (J&A)  
For  
Other Than Full and Open Competition**

1. **Contracting Activity:** The Department of Veteran Affairs, VISN 4, Pittsburg, Pennsylvania. The activity for this requirement is the Department of Veteran Affairs Medical Center (VAMC), Network Contracting Office 4 (NCO4), located in Wilkes Barre (WB), Pennsylvania. This is a Justification and Approval for Other Than Full and Open Competition - Brand Name Only for Johnson Controls Metasys®, which is a small portion of the construction materials requested on Purchase Request 693-17-4-0111-0005.
2. **Nature and/or Description of the Action Being Processed:** The Contractor shall provide Johnson Controls Metasys® proprietary components and software as part of a new firm fixed price construction contract for Project #693-222 Parking Structure, Phase 1. The project includes installation of new hardware and software compatible with existing system. The entire project will be solicited under VA244-17-R-0427, and the new award will be a Firm-Fixed Price construction contract to include Johnson Controls Metasys®.

**FAR13.5 Simplified Procedures for Certain Commercial Items:** N/A

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Contractor to provide new automatic temperature control (ATC) system to control temperature and humidity in newly renovated spaces to meet the requirements of Project #693-222 Parking Structure, Phase 1. All new work must be integrated into the facility's existing Johnson Controls Metasys® building automation system.

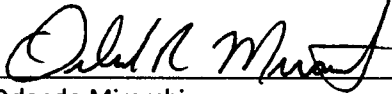
4. **Statutory Authority Permitting Other than Full and Open Competition:**

- ☒ (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;

**FAR13.5 Simplified Procedures for Certain Commercial Items:** N/A

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Johnson Controls ATC systems and components are currently installed throughout the hospital and are linked to the facility's Metasys® building automation system. In order to maintain existing warranties, Johnson Controls must install and certify all new installations and must make all software modifications and updates. Johnson Controls is the only company that can provide this product and service. There are no other companies authorized to work on Johnson Controls products.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A Notice of Intent to Sole Source will be posted on FedBizOpps.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** This procurement is an RFP, resulting in a firm-fixed price contract award. The contracting officer, IAW FAR 13.106-3(a)(1), anticipates the offered price to be fair and reasonable based on adequate price competition. Certified Cost or pricing data and audits are not required.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The requiring activity has performed market research and has identified other sources which can provide ATC systems and building automation systems. However, the facility already has in place an existing building automation system. It would not be cost-effective for the facility to install infrastructure for a new system or to maintain multiple systems. Also, the cost of installing and maintaining a system to convert the output from a different ATC system into the Metasys® system would outweigh any potential upfront savings realized by using a different system. There is also the possibility that future software updates could cause a situation where the two differing systems can no longer interface with each other. Temperature and humidity control in a healthcare facility is critical to patient safety; therefore, the risks associated with conversion problems would outweigh any potential cost savings.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** N/A
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section 6. 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:** In the future if there is a requirement for new ATC system of the entire facility, that requirement would be competed
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.

  
Orlando Mirarchi  
Supervisor General Engineer  
Wilkes-Barre VA Medical Center

03/02/2017  
Date