

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A) For Other Than Full and Open Competition [REDACTED]

This justification for other than full and open competition, as a brand name specific requirement, is prepared using Federal Acquisition Regulation (FAR) subpart 13.5 procedures, in accordance with 41 U.S.C. 1901.

1. Contracting Activity:

The Contracting Activity responsible for this procurement is The Department of Veterans Affairs (VA), Office of Acquisition Operations (OAO), Strategic Acquisition Center –Frederick (SAC-F), located at 321 Ballenger Center Drive, Suite 125, Frederick, MD 21703.

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

The following is a justification to limit competition based on specific brand name certifications required to perform maintenance and repair on numerous Emerson/ Liebert computer room air-conditioning (CRAC) units.

This requirement is for a new, hybrid firm-fixed price, plus labor hour and material contract. The period of performance will be one 12-month base, plus four 12-month options.

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

The Contractor shall provide scheduled system maintenance and emergency repair services on a 24/7 basis to ensure reliable environmental control of IM/IT systems residing in AITC's data center operations. The center's numerous Liebert/ Emerson heating, ventilation, and air-conditioning (HVAC) systems deployed throughout specific computer and electrical service rooms of the data center require specialized maintenance personnel that are licensed by the manufacturer and highly trained and knowledgeable of the unique requirements needed to sustain one of the data center's most critical systems. Specific tasks are as follows:

1.1 Re-Baseline STUDY

As part of the contractor's initial transition, a baseline study shall be conducted in order to analyze the configuration and operating condition of each Liebert/ Emerson CRAC unit. Upon conclusion of the study, the contractor shall repair (or replace) each deficient subsystem/ component, which will satisfy the study's final objective to bring all CRAC units up to the most current configuration and operational capability per Original Equipment Manufacturer's standards.

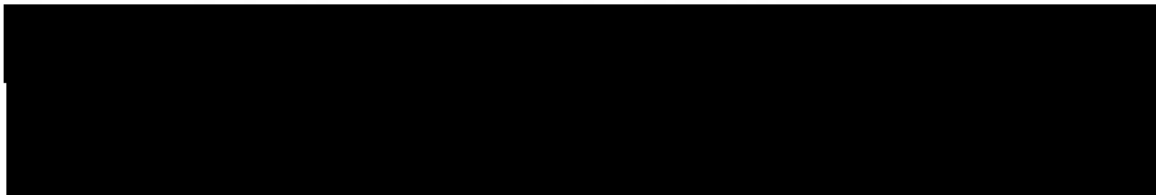
1.2 Full service Maintenance Program

Once all CRAC units have been brought up to current OEM configuration and operating standards, a monthly maintenance service program can then be initiated in order to maintain the systems' operational health, reliability and performance. A monthly report shall be generated to document, track, and analyze each CRAC unit's system performance based upon governmental operating requirements and unscheduled repair activity.

1.3 Emergency Repair Services

Emergency repair services shall be provided on a 24 hour cycle, seven days a week basis throughout the entire period of performance. Contractor response time to an emergency repair dispatch shall be no more than two hours and for a non-emergency repair dispatch the response time shall be no more than four hours. The Contractor shall coordinate with a government representative (Contracts Officer Representative (COR), Project Manager, or designee) about the details of the emergency repair in order to maximize preparedness prior to arrival at the work site.

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



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

National security and the protection of vital assets would be jeopardized if the Emerson/Liebert cooling systems were inoperable, even for brief periods. The data center houses sophisticated computer equipment, responsible for the operation of databases, webpages and the storage of data for numerous federal agencies.

These cooling systems are considered proprietary, as such, only OEM trained and licensed contractors have proprietary information regarding their operation, maintenance, potential defects, data keys, and parts necessary to provide maintenance, repair, and monitoring, on a 24 hour cycle, 7 days a week. The OEM does not provide unauthorized third party organizations with guaranteed parts availability, which could negatively impact an unlicensed third parties ability to make critical repairs within the required 2-hour window.

Authorized dealers are the only entities that have access to software patches, which are required to keep all equipment running at peak performance. And, due to the vital nature of these CRAC units, the AITC must be immediately notified of any and all CRAC component recalls, which can only be provided through the Emerson/Liebert licensed retailers/service technicians.

In general, performance of preventive maintenance and CRAC testing may be performed by any certified HVAC technician that is both certified by the State of Texas and the Emerson/Liebert training program. However, if items are identified that require CRAC component repair(s), including software patches and updates, OEM services would be required due to the proprietary nature of the software. Furthermore, only OEM trained technicians can replace parts on this equipment while maintaining the factory warranties. For these reasons, competition will be limited to contractors who possess the required Liebert training and licensed parts Liebert/Emerson parts distributors.

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

Sources sought VA119A-17-Q-0020 was posted to FBO.gov on October 24, 2016 with responses due no later than November 9, 2016. [REDACTED]

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

This requirement will be solicited on the open market and quotes will be submitted under competition, which is the basis for a reasonable price determination. It is anticipated that the cost will be fair and reasonable.

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

Market research included a search of the Vendor Information Pages (vip.vetbiz.gov), a search of GSA Federal Supply Schedules, and sources sought synopses. Market research indicates that there is not a reasonable expectation that two or more Service Disabled Veteran Owned small businesses or Veteran Owned small business can perform this work, nor is this requirement suitable for an order against a GSA Federal Supply Schedule. Market Research indicates that two or more small businesses are capable of performing the tasks associated with this requirement. Given the market research results, this requirement will be set-aside 100% for small business.

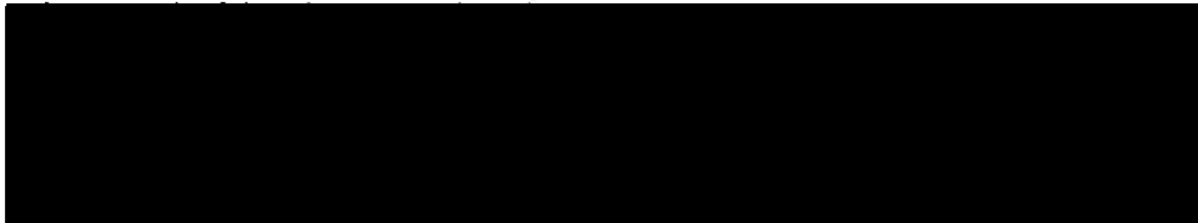
9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

National security and the protection of vital assets would be jeopardized if the Emerson/Liebert cooling systems were inoperable, even for brief periods. The Austin information technology center houses servers which are necessary to the operation

of numerous Government webpages and data bases, which could affect the Department of Veterans Affairs from retrieving patient medical records.

These cooling systems are considered proprietary, as such, only OEM trained and licensed contractors have proprietary information regarding their operation, maintenance, potential defects, data keys, and parts necessary to provide maintenance, repair, and monitoring, 24 hours a day, every day of the year. The OEM does not provide unauthorized third party organizations with guaranteed parts availability, which could negatively impact an unlicensed third party's ability to make critical repairs within the required 2-hour window.

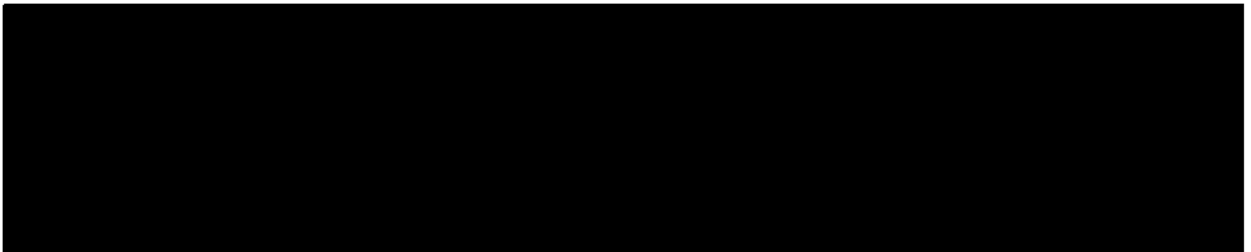
10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:



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:

AITC will continue to review changing market conditions to ensure all potential offerors are afforded an equal opportunity to provide these services and will perform market research as applicable to satisfy the Competition in Contracting Act.

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.



13. Approvals

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



- b. **Advocate for Competition** [redacted] I certify the justification meets requirements for other than full and open competition.

