

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval For Other Than Full and Open Competition

1. Contracting Activity:

Department of Veterans Affairs, NCO 12, Great Lakes Acquisition Center, 115 South 84th Street, Milwaukee, WI 53214-1476. The emergency requirement is for the Clement J. Zablocki VAMC (Milwaukee, WI) 2237 #695-18-2-6023-1256.

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

This document is for the justification and approval for other than full and open competition for emergency construction services acquired to install an Building 5 Condensing Unit and Coil at the Clement J. Zablocki Medical Center, Milwaukee, WI. In accordance with FAR 6.302-2, Urgent and Compelling Urgency, award of contract 36C25218C0109 Not-To-Exceed amount of \$60,200.00 for Johnson Controls International (JCI). The Purchase Order number is 695-C80340.

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

Requirement is to provide a one-to-one replacement of the existing condensing unit and coils within building 5 at the Clement J. Zablocki VAMC. This unit is part of an JCI Metasys integrated system, and prepritary to JCI.

Background/Timeline

When the need to replace the condensing unit and coil was identified, a proposal request was submitted by Adam Kreger to Capp Inc on January 4th 2018. Capp Inc was listed on GSA as a representative of Trane, and would be able to provide a direct replacement for the condensing unit and coil. Five days had passed and the Government did not receive a response to the request for proposal from Capp, Inc, Three additional requests were made to Capp, Inc (January 9th, 12th, and 19th) which also resulted in no response. The replacement condensing unit and coil has a 4-6 week lead time, and the building would require a shut down and could be evacuated if this unit is not replaced, which would ultimately affect patient care. Since this requirement has become time-sensitive and could jeopardize patient care, the requirement has been escalated and deemed an urgent and compelling need.

Because the unit is integrated with the existing JCI system, the best option for the Government is to request proposal from JCI. Scott Szemborski requested a proposal from JCI and received the proposal on Feb 22nd, 2018. The proposal total price of \$60,200.00 had been reviewed by the Milwaukee VA Technical Team and determined to be acceptable.

Statutory Authority Permitting Other than Full and Open Competition:

In accordance with 41 USC §253(c)(2), as implemented by FAR 6.302-2

- () (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- (X) (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;

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

The imminent danger of the condensing unit failure would result in the need to evacuate Building 5, and would compromise the care of the patients at Milwaukee VAMC. Due to the urgent and compelling circumstances stated in Section III above, the contracting officer awarded directly to Johnson Controls International: The notice to proceed was granted to JCI with a not-to-exceed price of \$60,200.00

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

The Building 5 condensing unit and coil for the Clement J Zablocki Hospital is part of a facility-wide control system run by JCI proprietary system. Additionally, they have completed multiple successful projects at the Milwaukee VAMC and are familiar with both the building and with contracting with the Department of Veterans Affairs. They were immediately available for a site visit tour and were able to return a proposal on the same day of the site visit. Because of this demonstrated expediency, in addition to the traits listed above and the particular urgency of this project, further competition was deemed impractical for this particular requirement.

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

The proposed amount of \$60,200.00 was reviewed by the COR, Scott Szemborski, and based on historical data, it was in line with similar projects performed at the facility.

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

Market research was not conducted to identify qualified sources. Johnson Controls International was identified as the most qualified source in the local area familiar with the site of work and available to begin work immediately. This absence of market research was conducted based on the urgency of the requirement, and that the existing facility proprietary control system has been designed and implemented with JCI products. The VA could not afford, and would not risk the safety of personnel and patients at the Milwaukee VAMC for an estimated price of \$60,200.00.

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

None other than what is stated in this document.

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

None.

10. 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:

The procurement described above is for the emergency one-to-one replacement of the failing condensing unit and coil at building 5 on the Milwaukee VAMC campus. The current unit which requires replacement has been temporarily fixed by the facility to buy time until replacement. In the future, Milwaukee VAMC should take care to continually monitor the status of the existing condensing units to mitigate the risk of future failures for similar systems.

11. 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.

Justus Klink
Contracting Officer, NCO-12

12. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete and meets requirements for other than full and open competition.

Ricky Bond
Divisions Chief, GLAC, NCO-12