

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

**1. Contracting Activity:**

Veterans Health Administration (VHA), Program Contracting Activity Central (PCAC).

The proposed procurement, Request for Proposal (RFP) 36E77618R0053 for the Renovate 5<sup>th</sup> Floor Surgery project at the Sioux Falls VA Medical Center.

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

This justification is to support the Renovate 5<sup>th</sup> Floor Surgery project at the Sioux Falls VA Medical Center, that will be awarded as a firm-fixed price contract. This justification is for other than full and open competition for the procurement of certain construction materials. The use of a particular brand name for the item listed below accommodates standardization of this item throughout the facility.

- a. Direct Digital Controls System
  - i. Metasys

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

This procurement is to provide for the Renovate 5<sup>th</sup> Floor Surgery construction project at the Sioux Falls VA Medical Center. The scope includes everything necessary to construct a functional building that meets the requirements of the Department of Veterans Affairs. There is one (1) brand name item listed for which the VA is not able to accept equal or alternate items. The value of this item is listed below and the VAAR Construction magnitude for the entire project is between \$2,000,000.00 and \$5,000,000.00.

- a. Direct Digital Controls System
  - i. Metasys
  - ii. Value: [REDACTED]
  - iii. Unique Qualifications: This is the DDC system that is used across the entire hospital. The DDC system cannot vary from the current system that is used.

**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; 41 USC §253(c)(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 item has been standardized throughout the Sioux Falls VA Medical Center. The specific impact for not using the brand name item is listed below:

- a. Direct Digital Controls System
  - i. Metasys
  - ii. Impact: An alternate DDC contractor bidding the controls work for the 5<sup>th</sup> floor project would require substantial duplication of equipment since they would not be able to communicate with one another. The alternate controls contractor would need their own controls computer, monitor, communication cabling throughout the facility.

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

In accordance with the Competition in Contracting Act (CICA), the component listed above is identified as brand name; however, the overall procurement will be competed as a Service-Disabled Veteran-Owned Small-Business (SDVOSB) Set-Aside. This Justification for Other Than Full and Open Competition will be posted to Federal Business Opportunities with the solicitation.

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

The government estimate for this project was prepared by the Contracting Officer's Representative. The anticipated price to the Government for the item requested to be brand name is approximately [REDACTED].

The item for which brand name approval is being requested is a subsequent component to the overall construction project. This procurement will be competed and based on competition; the Contracting Officer will make a determination of fair and reasonable pricing prior to award.

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

The market research for the design and equipment was conducted by MSH Architects to secure prices for the government estimate, and was shared with the Contracting Officer and Contracting Officer's Representative for further review. The Contracting Officer and Contracting Officer's Representative were in concurrence with information provided in the estimate that supported the brand name item. This source has been identified by MSH Architects as a result of their contract to design this project. Approval of the item as brand name only is critical for the overall efficiency of the completed project and the facility as a whole.

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

All the specifications and drawings associated with this project have been developed identifying the brand name item as a requirement for the project.

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

Not applicable.

**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:**

There will be competition for the overall procurement. It will be the responsibility of the offerors to obtain pricing from the suppliers of the item and to submit a competitive proposal for the project.

- 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.

AARON J.  
KOMPELIEN 1423112

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J. KOMPELIEN 1423112  
Date: 2018.03.20 10:14:56  
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03/20/2018

Aaron J. Kompelien, P.E.  
Assistant Chief, Engineering Services  
Sioux Falls VAMC

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 A. Marsh 198403

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Donald A. Marsh III  
Contracting Officer  
VHA Program Contracting Activity Central (PCAC)

Date