

## DEPARTMENT OF VETERANS AFFAIRS

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

**1. Contracting Activity:** The activity for this requirement is the Department of Veteran Affairs Medical Center (VAMC), Butler VA Medical Center, Located 325 New Castle Road, Butler PA 16001. The Contracting Officer for this requirement is located at the Butler VAMC, Butler, Pennsylvania. This is a Justification and Approval for Other Than Full and Open Competition Brand Name Only for DDC temperature control systems which is a small portion of the construction materials requested on NRM Project 529-13-106, Renovate Building 6.

**2. Nature and/or Description of the Action Being Processed:** Request for other than full and open competition — use of brand name specification for the Renovate Building 6 construction project at the Butler VAMC, Pennsylvania. Contractor shall furnish management, supervision, labor, transportation, equipment, and materials, and perform work to include general construction, alterations, mechanical and electrical work, and certain other items as required by project drawings and specifications for Project No. 529-13-106, Renovate Building 6. This acquisition is fixed-firm price.

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

Automated Logic Corp - DDC temperature controls — see Specification Section 23 09 23: The furnishing, installation, and connection of Automated direct-digital controls (DDC) System, including all engineering, programming, controls and installation materials, installation labor, commissioning and start-up, training, final documentation . Estimated value - \$15,000

**4. Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(1), as implemented by FAR 6.302-1.

(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):**

Automated Logic Corp - DDC temperature controls — see Specification Section 23 09 23: Restriction of sources for this acquisition is justified in accordance with FAR 8.405-6(b)(3), the item is peculiar to one manufacturer. Although there are other manufacturers of DDC equipment that can meet the Government's minimum requirements, it is not in the Government's best interest to award an acquisition to any other brand. The Automated Logic DDC control system is

exclusively used at this facility and it is in the VA's best interest to maintain consistency of the life safety system. Use of other manufacturers would lead to storing additional inventory, functioning issues due to non-compatibility with existing equipment, multiplicity of service contracts, and increased training and operator requirements.

**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 Automated Logic Corp- DDC controls will be posted on FedBizOpps with the solicitation. Offerors will be able to obtain Automated Logic Corp- DDC controls from various distributors and sources available in the open market.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Based on the information above, it is hereby determined that this written justification for a particular brand names, is essential to the Government's requirements, and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet the agency's needs. Therefore, these products will be specified as a brand name for this construction project as only these products meet the Government's needs. 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:** Automated Logic Corporation DDC controls and manages all systems in the following buildings – Building 1; Building 7 (Boiler Plant ) Building 8 (Plumbing Shop); Building 20 CLC (patient bldg.), Buildings, 21, 22, 23, 24 DOM (patient bldgs; It manages Building 4 Resident Units(patient bldg.) hot water system. These systems are linked together through Automated Logic and are remotely monitored from the Boiler Plant, which is manned 24 hours a day, 7 days a week. The system must be installed and programed by certified Automated Logic Corp .

**9. Other Facts Supporting the Use of Other than Full and Open Competition:** All the specifications and drawings and engineering descriptions associated with Project #529-13-106 have been developed identifying the Automated Logic Corp – DDC controls as the standard system throughout the Butler VAMC.

**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 to re-alarm the entire facility with DDC contols, 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.

*Jude Spurdute*

Jude Spurdute

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Butler VA Medical Center

Date 03/15/2018

**13. Approvals in accordance with FAR 6.304 Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Jeffrey Zbezinski  
Contracting Officer, Construction-West  
Network Contracting Office 4

Date 03/19/2018

**14. Supervisor Concurrence:** I certify the justification meets requirements for other than full and open competition.

Michael Koontz  
Branch Chief, Construction-West  
Network Contracting Office 4

Date