

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

**Acquisition Plan Action ID: 675-18-2-6060-0067**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 08, Orlando Medical Center, 13800 Veterans Way, Orlando, FL 32827.
  
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the procurement of a contract for the maintenance and troubleshooting of the Building Automation System and resolve issues with the software to ensure the system is fully functional and help to keep the Medical Center in compliance with the Joint Commission requirement. This equipment is located at several locations on the Baldwin and Lake Nona campuses and are required for the continuation of mechanical operations of the HVAC equipment and maintenance services. It ensures the safe operations of the building automation systems and maintains the building automation assets controlling HVAC equipment.
  
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This is a service contract for the maintenance of the METASYS Johnson Controls Building Automation System. This is a base plus 4 year contract with the yearly price of \$75,000.00.
  
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;
  
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 is the sole intellectual proprietor for the METASYS Building Automation System. The software and controls for the METASYS Building Automation System are a restricted product line and is the proprietary and intellectual property of Johnson Controls. Only factory authorized personnel can work on the NCM's (Network Control Modules), NAE's (Network Automation Engines), NCE's (Network Control Engines) and ADX's (Application Data Servers) due to the continuous upgrade of these products software and hardware. Johnson Controls is the only authorized distributor in the Central Florida area for NCM's, NAE's, NCE's and ADX's/ADS's. Johnson Controls technician are abreast of any changes in software and hardware upgrades and are continuously keep abreast and educated in the newest schools and courses available as it relates to the METASYS system.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Johnson Controls states via letter to our office that they are the only source capable of delivering the required services.
  
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated price to the Government is \$ 375,000.00. Price is determined to be fair and reasonable in accordance with FAR 13.106-3(a)(2). Vendor has supplied a copy of commercial contract pricing from other customers. The proposed pricing for the Orlando VA Medical Center is similar to their commercial pricing from the other vendors.
  
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**  
 The Market Research conducted for this requirement has found that the services required cannot be purchased through the Procurement List maintained by the Committee for Purchase from People Who Are Blind or Severely Disabled in accordance with 41 U.S.C. Chapter 85 or through a mandatory FSS 66 contract. A strict search of the VIP Database for NAICS 238220, conducted on 02/09/2018 found 78 matches that could possibly provide the services required. A sources sought memo was sent via email to all 78 vendors on VETBIZ. When the post closed on 02/21/2018 one SDVOSB replied that they could provide the services required. Based on this information, the CO determined that a Sources Sought posting to FBO would be the best method to determine firms capable of providing the required services. On March 1, 2018, a sources sought memo was posted to FBO. When the request closed on March 9, 2018, there was 1 large business, 1 EDWOSB and 1 SDVOSB that responded that they could do the work. The large business also responded via letter that they are the exclusive distributor for preventative maintenance and repair of the services needed for the basic automation system, including all support components. See attached letter from Johnson Controls on exclusivity. The EDWOSB and SDVOSB's were contacted and were told to call the large business to see if they could work together. The large business replied with a no to all vendors, thus they cannot provide an offer. A more recent sources sought was not considered because of the proprietary rights of the large business. The results would not change.
  
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:** There have been no other sources that have expressed interest in this upgrade or any capable of providing the upgrade due to proprietary licenses and software.
  
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:** The Facilities Management Services continuously evaluates the market availability of comparable products and may replace this service in the future as needed.
  
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.

\_\_\_\_\_  
James Camp  
HVAC Supervisor  
Orlando VA Medical Center (675)

\_\_\_\_\_  
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.

\_\_\_\_\_  
Contracting Officer  
NCO 8 - Orlando VAMC

\_\_\_\_\_  
Date

- b. **Contracting Services Branch Chief Certification:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Branch Chief, Services Contracting  
NCO 8 - Orlando VAMC

\_\_\_\_\_  
Date