

**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) 36E77618R0104 is for the Modernize Existing Chillers Construction project at the Iowa City VA Medical Center (VAMC).

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

This justification is to support the Modernize Existing Chillers Construction project at the Iowa City VAMC, 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 these items throughout the facility.

- a. HVAC Controls
  - i. Johnson

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

This procurement is to construct the Modernize Existing Chillers Construction project at the Iowa City VAMC. 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 and \$5,000,000.

- a. HVAC Controls
  - i. Johnson
  - ii. Value: [REDACTED]
  - iii. Description: Building Automation Systems for heating and cooling to include: sensors, start/stop controls and all required programming and system update.

**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 have been standardized throughout the Iowa City VAMC. Installing a different manufacturers' system will create significant duplication in cost for the facility, and in most cases the equipment will not function properly. The specific impact for not using the brand name item is listed below:

- a. HVAC Controls
  - i. Johnson
  - ii. Impact: the Iowa City VAMC currently uses Johnson Controls for all our temperature control needs. All controls are managed via a Building Automation System that is fully integrated. This project is a minor extension of the existing system and would be cost prohibitive to change.

**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 (CO) that the Anticipated Cost to the Government will be Fair and Reasonable:**

Government estimate was prepared and provided by the Contracting Officer's Representative (COR). The anticipated price to the Government for the items requested to be brand name is approximately [REDACTED].

The item for which brand name approval is being requested as a subsequent component to the overall construction project. This procurement will be competed and based on competition; the CO 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 equipment was conducted and prepared by the COR and shared with the CO for further review. The CO was in concurrence with information provided in the estimate that supported the brand name item. Approval of this item as brand name only is critical for the overall efficiency of the completed project and the Iowa City VAMC facility as a whole.

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

New component must be able to tie into an existing and operational system including the use of software. At this time, there are no competing vendors whose products are fully compatible with the existing system being used at the Iowa City VAMC.

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

Not applicable. It is the responsibility of the offerors and the general contractor awarded the project to locate suppliers and obtain pricing for all materials and components, including the item listed in this justification.

**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 this 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.

Ronald C. Bullock 364550 Digitally signed by Ronald C. Bullock 364550  
Date: 2018.07.24 15:46:22 -05'00'

07/24/2018

Casey Bullock  
COR/Engineer  
Iowa City 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  
1489406

Digitally signed by Donald A. Marsh

1489406

Date: 2018.07.25 10:12:35 -04'00'

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

Date

- b. **One Level Above the Contracting Officer (Required over \$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

John Yallech  
189260

Digitally signed by John Yallech  
189260  
Date: 2018.07.25 14:46:36 -04'00'

John Yallech, Jr.  
Supervisory Contracting Officer  
VHA Program Contracting Activity Central (PCAC)

Date