



DEPARTMENT OF VETERANS AFFAIRS
Great Lakes Acquisition Center (NCO 12)
Capt. James A. Lovell Federal Health Care Center
3001 Green Bay Rd., Bldg 1, Rm 329
North Chicago, IL 60064-3048

**Justification and Approval for
Other Than Full and Open Competition**

Project No.: 537-18-129

Acquisition Plan No.: VA-19-00003632

Description: Install Pressure Sensors per SPS Directive

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 12 Network Contract Office
Southern Tier Construction Team for Jesse Brown VA Medical Center.
- 2. Purchase request (i.e. 2237) number:** 537-19-2-6988-0016
- 3. Description of Action:** The action taken here is for a new Sole Source Construction services
Firm Fixed Price typed contract with

Name of Contractor:	Johnson Controls (JCI)
POC	Krista Kritenbrink
Street Address:	3007 Malmo Drive
City, State, Zip:	Allington Heights, IL, 60005
Phone:	(224) 475-7168 (mobile)

- 4. Unique characteristics that limit availability to only one source, with the reason no other supplies or services can be used:** The existing base automation system (BAS) is a JCI Metasys® system which contains proprietary software which the manufacture (JCI) may not share with a third-party vendor. The pressure switches that are being installed in this contract must communicate with the BAS.

5. Description of Services:

The estimated value of the proposed action is \$ 250,000.00

Pressure monitors and associated equipment is being installed in various rooms in order to comply with a new directive. The room equipment will be connected to the existing BAS. Approximately sixteen of the rooms currently have pressure monitors that are obsolete due to the connecting protocol. Those monitors are currently connected using the LON protocol and will have to be upgraded to use the BACnet protocol before installing new pressure monitors and connecting to the BAS.

6. **Statutory Authority:** The statutory authority permitting an exception to Fair Opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (FAR):

Mark the applicable exception:

☐ **An urgent and compelling need exists**, and following the procedures would result in unacceptable delays; the agency need for the services is so urgent that providing a Fair Opportunity would result in unacceptable delays.

☒ **Only one source** is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized;

☐ In the interest of economy and efficiency, the new work is **a logical follow-on** to an original Federal Supply Schedule order and the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. **The original order was not previously issued under sole-source or limited-sources procedures; or**

☐ **Items peculiar to one manufacturer.** An item peculiar to one manufacturer can be a particular brand name, product, or a feature of a product, peculiar to one manufacturer). A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer.

7. **Rational/explanation supporting use of cited authority:** In accordance with FAR 6.302-1(c)(1), Only one responsible source and no other supplies or services will satisfy agency requirements. Jesse Brown VA Medical Center utilizes a Johnson Controls automation system to control the conditions in the rooms where the monitors are being installed and JCI own the proprietary rights to some of the software used to communicate with the BAS. Use of another may reduce the reliability of the system.

The order must be issued on a sole-source basis in the interest of economy and efficiency

8. **Description of Market Research conducted and results thereof, or statement why Market Research was not conducted:**

Market research was not conducted because the existing BAS is a JCI unit and it utilizes proprietary software, since the uniqueness exception to fair opportunity under the FAR is met, it was determined that competition would not be appropriate because the uniqueness test for an exception to “fair opportunity” is satisfied.

9. **Technical and Requirements Certification:** I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

eSignature: _____

Name: Maurice B. Green

Title: COR

10. **Fair and Reasonable Cost Determination:** I hereby determine that the anticipated price to the Government for the proposed contract action will be Fair and Reasonable that the supporting data under my cognizance are accurate and complete to the best of my knowledge and belief.

Angella Sterling
Contract Specialist

11. **Contracting Officer's Certification:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief. I certify that this justification is accurate and complete to the best of my knowledge and belief. As this action does not exceed \$700,000, this certification required by FAR serves as approval.

FOR _____
Megan Manis
Contracting Officer