

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

**1. Contracting Activity:** Department of Veterans Affairs, VISN 16, VA Gulf Coast Veterans Health Care System, Station 520, 400 Veterans Avenue, Biloxi, MS 39531, Engineering department requests sole source for maintenance services from APG Construction, Inc. (Requisition #520-13-1-543-0006).

**2. Nature and/or Description of the Action Being Processed:** The contractor will provide all labor and materials necessary to maintain, repair, operate, and manage all building automation control systems in conjunction with VA maintenance personnel. This includes all building automation systems related to building environmental controls such as air conditioning equipment, chiller plant operation, OR air standards (temperature, humidity, air changes), SPS air standards (temperature, humidity, air pressure, air changes), isolation rooms (temperature, humidity, air pressure, air changes), etc. and the supporting fiber optic hardware and network. It also includes programming of Siemens proprietary software for all environmental controls, software upgrades, and software licensing. The contractor shall also provide emergency response coverage 24/365 that includes telephone and on site responses. The response time for these services shall be one (1) hour or less.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:** APG Construction, Inc.'s (APG) labor force has considerable experience at this facility performing a variety of construction tasks. These tasks often include installing HVAC systems which require seamless interface with the existing energy management system manufactured by Siemens Technologies, Inc. APG has worked with Siemens on many projects and are uniquely qualified to perform tasks on the proprietary systems installed on this campus. The building systems installed throughout the Gulf Coast Health Care System (security, access control, and building automation/HVAC) is managed through a dedicated fiber optic network installed by Siemens Technologies. The complexity of these systems requires vast knowledge of Siemens hardware and software. Our intent is to set up a service contract with APG Construction, Inc. in agreement with Siemens Technologies to help maintain and manage these systems. These systems operate 24/365 controlling critical clinical functions such as air changes in ORs, TB exhaust systems, and SPD air quality systems. These systems also operate hundreds of security cameras for Police Service and limit access to secure areas like Pharmacy. The fiber optic network also carries two fire alarm networks. Therefore, continuous operation of these systems is imperative. Maintenance of these systems includes comprehensive oversight of all Joint Commission requirements associated with the systems described. Loss of any of these systems would adversely affect the VA Gulf Coast's ability to provide patient care.

**4. Statutory Authority Permitting Other than Full and Open Competition:**

- (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):** Siemens Technology has assisted local VA engineers in designing and installing the network and building systems described above. They have the expertise to program and operate these systems and are capable of quickly troubleshooting problems with these systems in emergency situations that VA personnel are not equipped to handle. APG Construction has worked with Siemens Technology on many of these systems and maintains a relationship that allows APG to perform work on these proprietary systems cooperatively. Consistent operation of environmental controls is vital to providing quality patient care.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Refer to paragraph 8.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Siemens Technologies is on the GSA schedule; however, due to our sole sourcing with a SDVOSB the pricing will also be compared to RS Means by Engineering, who will confirm that the proposed fee for this effort is in line with similar services and is fair and reasonable.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A Sources Sought Notice VA25612Q1998 was issued to [www.fbo.gov](http://www.fbo.gov) and to the GSA ebuy (RFQ729417) seeking other sources besides Siemens. No others responded.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** Siemens is working with the VA in our attempt to secure more services through small business and even better through SDVOSB.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None, other than APG Construction, Inc. and Siemens who have an agreement for these services.

**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:** Refer to paragraph 8.

**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.

  
Name: Jay Tripp  
Title: Chief Engineer  
Facility: 520

September 24, 2012  
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.



MELANIE GRIGSBY  
CONTRACTING OFFICER  
(Biloxi/520) NETWORK 16 CONTRACTING ACTIVITY

10/1/2012

Date

**b. P&C:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



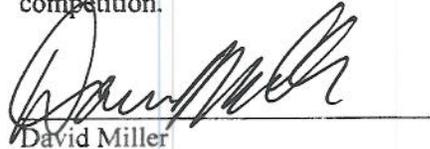
DONNA FRAZZA  
CHIEF, PURCHASING AND CONTRACTING  
(Biloxi/520) NETWORK 16 CONTRACTING ACTIVITY

10/1/2012

Date

NETWORK 16 CONTRACTING ACTIVITY

**c. NCM/PCM:** I certify the justification meets requirements for other than full and open competition.



David Miller  
Acting Network Contract Manager  
Network 16 Contracting Office

10/1/2012

Date