

**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. and who has an agreement with Siemens Industry, Inc. (Requisition # 520-13-1-513-0003).

**2. Nature and/or Description of the Action Being Processed:** The building system installed throughout the Joint Ambulatory Care Center is the building automation/HVAC. This system is managed and maintained globally from a host network installed by Siemens Technologies. It is also controlled locally as needed, and even remotely due to travel distance. The complexity of this system and interface with the respective DoD USAF and Navy adjacent partners and responders requires vast knowledge of Siemens hardware and software. Our intent is to set up a service contract with APG Construction, Inc who will subcontract with Siemens Technologies to help maintain and manage this automation system. This system operates 24/7/365 controlling critical clinical functions such as air changes, monitoring special procedure rooms, and air quality systems. Maintenance of this system includes comprehensive oversight of all Joint Commission requirements associated with the system described.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:** The vendor will provide all labor and materials necessary to maintain, operate, and manage all building automation systems described in the scope of work. This includes all building automation system (HVAC), and the supporting and remote notification network.

**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, and now are working with a SDVOSB company to assist the VA in meeting certain socioeconomic goals and especially continuing the VA's efforts to do business with SDVOSB's. 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.

**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: Chris Phillips  
Title: Engineer Manager  
Facility: 520

September 20, 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  
NETWORK CONTRACTING ACTIVITY 16

9/21/12  
Date

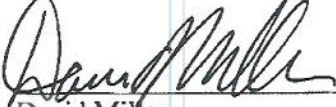
b. **P&C:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
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