

LIMITED SOURCES JUSTIFICATION
ORDER >\$150,000
FAR PART 8.405-6

Acquisition Plan Action ID: 36C249-19-AP-1801

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

- 1. Contracting Activity:** The Department of Veterans Affairs, Network Contracting Office (NCO) 9, on behalf of the Lexington VA Medical Center in Lexington, Kentucky has an equipment maintenance requirement with the existing Johnson Controls, Inc., Metasys® Brand energy management system. Purchase Requisition 596-20-1-5077-0014 is the funding request for this service.
- 2. Description of Action:** This acquisition is conducted under the authority of the Multiple-Award Schedule Program ([41 U.S.C. 251](#) and [40 U.S.C. 501](#)). Provide planned maintenance services for (Metasys®) building management system.

Name of Proposed Contractor: Johnson Controls Inc., Attn: Robert Rogers
Street Address: 1051 Floyd Drive, Suite 100
City, State, Zip: Lexington, Kentucky 40505
Phone: (859) 227-5514 (mobile)

3. Description of Supplies or Services:

The estimated value of the proposed action is \$ 250,267.00

Sole Source award to Johnson Controls Inc.™ (JCI) Inc for Maintenance with the existing Metasys® building automation system. The controls and Metasys® are proprietary systems to Johnson Controls Inc™.

4. IDENTIFY THE AUTHORITY AND SUPPORTING RATIONALE (see [8.405-6\(a\)\(1\)\(i\)\(A\)](#), [\(B\)](#), and [\(C\)](#) or [8.405-6\(b\)](#)), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.

☐ 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; Factory trained Johnson Control/York Building Management Systems (Metasys) technician will be responsible for equipment calibrations, programming following factory procedures, and integrating new equipment into the Johnson Controls, Inc. Metasys Building Automation System.

☐ In the interest of economy and efficiency, the new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in

accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

☒ Items peculiar to one manufacturer: Johnson Controls Inc.™(JCI)

☒ A patent, copyright or proprietary data limits competition.
The proprietary equipment and data is: JCI™ controls and the Metasys® building automation system which are currently used as the energy management program at the Lexington VA Health Care System.

☒ This requirement is a "direct replacements" parts/components for existing equipment.

☒ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

5. DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.404(d) TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

This equipment maintenance represents the best value, as opposed to replacing the entire Building Management System. This allows maintaining a functional environment for Veteran patients, staff, and visitors.

6. DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

The Vendor Information Pages (VIP) were checked with no results for this particular equipment. There is no expectation of a SDVOSB to perform this service. Johnson Controls Inc. provided a sole source letter verifying the proprietary nature of these products and their GSA schedule was checked to ensure that these services are listed and the contract GS-06F-0060P effective date of 7/14/19 – 7/13/24.

7. ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

Allowing another manufacturer's technician would have a major cost increase impact to include familiarity and technical issues with the existing systems, electronics and controls; in addition to increased maintenance contract costs, spare parts storage space and costs, for separate systems as well as additional training requirements for maintenance personnel.

8. A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

The government could purchase all new equipment from another manufacturer that allows uncertified (by the OEM) technicians to work on their equipment, however, this option would possibly take a considerable amount of investment in new/different equipment.

9. 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

RICKY A. STEELE
RICKY A. STEELE
Maintenance and Operations Foreman

12 september 2019
DATE

10. APPROVALS IN ACCORDANCE WITH THE [VHAPM Part 806.3 OFOC SOP](#):

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

CHRISTINA B. SMITH
Contracting Officer, NCO 9

DATE

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

JACKIE L. MERRIMAN
Branch Chief, Services West, NCO 9

DATE