DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 10, *Dayton VA* Medical Center *Engineering Service (138)*

2. **Nature and/or Description of the Action Being Processed:** Requirement of contractor to use ***"Tridium"*** *building automation system communications network, Referenced in the specifications for the project, Modernize HVAC, B-115 with an estimated construction cost of $840,524.00. The estimated cost of the J&A is $49,683.90.*

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** As part of the project the HVAC system will be upgraded and will incorporate Network level controllers with Tridium platform. This type control system is being incorporated on all new and existing HVAC systems

4. **Statutory Authority Permitting Other than Full and Open Competition:** *41 USC §253(c)(1), as implemented by FAR 6.302-1. The specific paragraph must be cited. Most likely, only the -1 or -2 authorities will be cited. Please be aware that failure to adequately plan for future requirements does not constitute appropriate use of the unusual and compelling urgency statutory authority.*

   (X) (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):**

- A Tridium based platform is used throughout the medical center to achieve integration across all the building automation system in place.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** *The Building Automation System (BAS) communication network that is used at the Dayton VAMC is a Tridium based platform. Integration into the existing system may only be achieved by each Network Level Controller(NLC) having a*

Tridium based platform There are multiple sources for these controllers; Tridium simply refers to the manufacturer of the software (Niagara AX) that resides on the Network Controllers.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** There have been previous purchases for the Tridium based software. The Contracting Officer will be able to determine a fair and reasonable pricing based on previous procurement history and commercial pricing. A fair and reasonable price determination will be made by the Contracting Officer based on competition.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research has been previously conducted for prior projects, concerning this subject. Multiple manufacturers produce network level controllers that support a Tridium platform. Honeywell and Vykon are examples of these manufacturers. This product is open for the public to purchase, this allows any contractor who has been properly trained on the product to install. The certification classes are also open to the public. There are at least 2 contractors in the tri-state area who currently can install these products.

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

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

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**: *No action can be taken in the circumstance due to the equipment being under warranty and the need to maintain this warranty.*

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.

2/4/2013
Date

Name: Mark Permelia
Title: Chief, Projects and Environmental Section
Facility: Dayton VA Medical Center (552)

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.

2-5-13

Donald P. Tam
Contracting Officer
NCO 10/Dayton

Date

b. **NCM/PCM (Required $3K and above):** I certify the justification meets requirements for other than full and open competition.

Terry L. Spitzmiller

Terry Spitzmiller
Network Contract Manager
VISN/PCA X

Date

c. **SAO (If over 500K):** I certify the justification meets requirements for other than full and open competition.

Ricky Lemmon
Director
Service Area Office, East

Date

d. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over $10million) or approve ($500K to 10 million) for other than full and open competition.

Name
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

Date

e. **VA Deputy Senior Procurement Executive Approval (over $10 million but not**

exceeding $50 million): I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

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Iris B. Cooper Date
Deputy Senior Procurement Executive (DSPE)
Office of Acquisition and Logistics
Department of Veterans Affairs

f. **VHA Senior Procurement Executive Approval (over $50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

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Jan R. Frye Date
Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs