

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

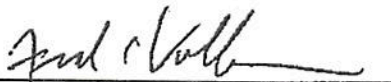
For

Other Than Full and Open Competition

1. **Contracting Activity:** *Department of Veterans Affairs, VISN 11, Battle Creek Medical Center, Justification for Other Than Full and Open Competition for 515-13-3-155-0030.*
2. **Nature and/or Description of the Action Being Processed:** *The Battle Creek Medical Center is requesting to sole source a Building Management System (BMS) through Automated Logic Controls as a portion of a firm fixed price generator replacement project. There is a station wide BMS to which the new controls and devices must be tied into and must communicate with.*
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**  
*We are requesting approval to sole source – Automated Logic Controls. New controls as needed for the new mechanical systems that are part of this project, programming within the Automated Logic system, and necessary graphics for user interface with the expanded controls. Note that Controls expansion with Automated Logic must give the VA full access and ability to command and monitor all relevant points. Estimated dollar value: \$30,000.00. The required delivery date will coincide with the construction of Emergency Generator Replacement.*  
Reference Section 23 09 23, Direct-Digital Control System for HVAC
4. **Statutory Authority Permitting Other than Full and Open Competition:**  
  - (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):**  
*It is our desire to expand the existing system in order to maintain one cohesive working system on the campus. The BMS system is complex and unique to VAMC BC. Many of the components are proprietary to the system. We are confident in the quality of the products and confident it meets the campus requirements. Only Automated Logic trained and certified technicians can make modifications to the existing system, and only Automated Logic technicians can make programming changes to the system. Should the facility hire another controls contractor, that contractor would in turn have to hire Automated Logic to do a great portion of the work. Nuisance problems/faults/alarms due to different systems trying to communicate with each other would be eliminated. Engineering feels sole sourcing this product is the only correct way to complete with this project.*
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** *We have made every effort to provide drawings and specifications that are open to all potential suppliers. Due to the proprietary nature of electronics and system programming,*

systems from multiple manufacturers and suppliers are not compatible. The control devices must be able to communicate with the system. Our experience and investigation has indicated that other supplies are not compatible with the existing Building Management System provided by Automated Logic.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: In 2009 a competitive contract was awarded to Automated Logic Corporation for our Medical Centers DDC system. The proposed BMS system must be compatible and able to communicate with the existing system. The Automated Logic Corporation provides the systems and equipment at a fair market cost. Parts and maintenance purchased after installation by this Medical Center are obtained through Automated Logic's GSA contract.
8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:  
Market Research was not conducted, See paragraph 7.
9. Any Other Facts Supporting the Use of Other than Full and Open Competition:  
Automated Logic holds the maintenance contract for the Battle Creek VAMC and has supplied all of the existing equipment and devices. If a third party, non-licensed company is allowed to modify the system there may be legal issues as to who is responsible for correcting the issue and what may have caused the issue if a problem arises.
10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: See Section 9 above. This is not applicable the project is going to bid, therefore the Battle Creek VAMC can't solicit proposals from manufacturers.
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:  
Continued sole source use of Automated Logic Corporation's DDC systems for all facility HCAC control requirements. Past market research has shown that a single station wide Building Management System is necessary regardless of the source. Changing the system at this point would require changing every building on station. It is necessary that any new components and devices communicate with the existing system. All of the systems on the market or proprietary and therefore sole source is unavoidable.
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.



Fred C. Vollmerhausen  
Chief of Projects  
Battle Creek VAMC

4-3-13

Date

13. Approvals in accordance with FAR 6.304 This part is filled out by Contracting Staff as part of the Justification



- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Scott

Name  
Title  
Facility

Brennan

Digitally signed by Scott Brennan

DN: c=US, cn=Scott Brennan,

o=Network Contracting Office,

ou=VISN 11

Reason: I have reviewed this document

Date: 2013.05.02 07:48:31 -04'00'

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

*Robert Barker*

Name

Network Contract Manager

VISN/PCA X

Title

Facility

5/2/13  
Date

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

N/A  
Name

Director

Service Area Office, East

N/A  
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.

N/A  
Name

Chief Procurement and Logistics Officer

VHA Head of Contracting Activity (HCA)

N/A  
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.

N/A  
C. FORD HEARD  
Deputy Senior Procurement Executive (DSPE)  
Office of Acquisition and Logistics  
Department of Veterans Affairs

N/A  
Date

- 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.

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

N/A  
Date