

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>SAT)**

Acquisition Plan Action ID: 36C263-21-AP-3300

1. **Contracting Activity:** Department of Veterans Affairs, VISN 23, Nebraska-Western Iowa Health Care System (NWIHCS) – Omaha Campus, Network Contracting Office 23 (NCO 23), Engineering Department, Purchase Request numbers 636-21-4-5998-01 and 636-21-4-5998-06.
2. **Nature and/or Description of the Action Being Processed:** This is a new construction project that requires a brand-name only sole source item – Tyco/Simplex Fire Alarm System and system components. This is a partial requirement for Project 636-18-303, Construct Air Handling Tower. The construction vendor must build a 7-story addition to building 1 that will house up to 14 identical air handlers (2 per floor). The core shell designed addition is located on the south and east of the existing elevators and the west facing windows on the southeast wing of the building. The specific work associated with Tyco/Simplex is directly related to the fire alarm system including all fire alarm devices, programming, and system updates. The overall construction project will be solicited in a competitive environment as a 100% Service-Disabled Veteran-Owned Small Business (SDVOSB) set-aside and will be awarded as a Firm-Fixed Price contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Tyco/Simplex Fire Alarm System brand name components are the only products that can meet the requirements of NWIHCS. The project requires the installation of Tyco/Simplex fire alarm system components to ensure that the newly built tower addition fire alarm system is fully compatible with the existing NWIHCS system. Tyco/Simplex is currently used throughout the NWIHCS Omaha facility for all fire alarm functions. The estimated cost for this partial requirement of the project is [REDACTED]. There will be approximately 45 heat detectors, 30 alarm speakers strobes, 2 alarm speakers, 12 single channel fireman's phones, and various amounts of component parts required to be delivered during the performance of the contract for this system. Delivery times will vary during the 510-calendar day period of performance.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
41 USC §3304(a)(1), as implemented by FAR 6.302-1 (a)(2)(ii), and 6.302-1 (b)(1)(i). This project requires brand name products be used in order for the devices to communicate with the existing fire protection system.
(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):** Market research was conducted prior to selecting this manufacturer's products for the project. The medical center has standardized the use of the Tyco/Simplex Fire Alarm System throughout the facility to improve patient and building safety and reduce maintenance and training costs. The lack of a standardized system would negatively impact the ability of the facility to maintain fire safety standards and reduce patient, employee, and building safety. The Tyco/Simplex Fire Alarm System utilizes proprietary technology. At the current time, there are no other known systems that are compatible with it. This project necessitates the addition of fire alarms, smoke detectors, and smoke/fire door closures which must communicate and function with the existing hospital system to provide full fire protection of the facility. Therefore, using Tyco/Simplex fire alarm system brand name products is essential to the Government's successful completion of this project, thereby precluding consideration of a product manufactured by another company. Accordingly, Tyco/Simplex is the only firm capable of providing the supplies and services described in Section 3 above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Tyco/Simplex brand name products are required to ensure the installed fire alarms properly communicate with the existing hospital system. Professional designers completing and reviewing the "Construct Air Handling Tower" project are experts in available products and have indicated that no compatible alternatives to this brand name are currently available. The professionally designed new tower project was completed by Anderson Engineering of Minnesota and reviewed by Booze Allen Hamilton. Engineers from these firms were on site to verify the functionality of the existing fire systems and found no viable competitors to the system. If vendors proposing on the acquisition offer viable and fully compatible system components, the Government may accept them for use on this project. None to date are known or shown to be available. If products are developed in the future that are compatible with the existing system, they will be allowed to be used on new construction projects.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** A detailed Independent Cost Government Estimate (IGCE) has been provided that includes all project costs, including equipment. Offers will be determined fair and reasonable by the Contracting Officer prior to award using various price analysis methods. The Tyco/Simplex Fire Alarm System pricing can be found by contacting authorized distributors, so detailed cost analysis techniques should not be necessary. Certified cost and pricing data is not required for this acquisition. If fair and reasonable pricing cannot be achieved from SDVOSBs, then the project will be resolicited as a set aside for all Veteran-Owned Businesses to increase competition and reduce costs.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Tyco/Simplex Fire Alarm Systems and components are proprietary which makes it necessary to procure only Tyco/Simplex brand name products for fire protection for the "Construct Air Handling Tower". As described in section 6 above, the necessary

market research and open competition was completed as a part of the professional design. Additional market research has found that the Tyco/Simplex Fire Alarm System and its components are currently listed and available to authorized distributors. Therefore, SDVOSB vendors will be able to acquire the Tyco/Simplex Fire Alarm System products.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The use of Tyco/Simplex brand name products are a small portion of the overall “Construct Air Handling Tower” project. The VA specifications, engineering descriptions, and full statement of work provides for suitable full and open competition on the overall contract. The Tyco/Simplex Fire Alarm System components are not available directly from the manufacturer but can be purchased through authorized distributors. Market research had indicated that there are numerous distributors in the region for these products which will allow vendors to obtain the required products.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No sources sought announcement was posted for Tyco/Simplex products.
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:** For all future VA construction projects, the VA will research compatible products for the Tyco/Simplex Fire Alarm System in an effort to find new products that may communicate with the existing fire alarm system. If products are developed in the future that are compatible with the existing system, they will be allowed to be used on new construction projects.
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.
- Robert J. Norrie
1426040

Robert J. Norrie
Title: Supervisory Engineer
Facility: Nebraska-Western Iowa Healthcare System

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Robert J. Norrie 1426040
Date: 2021.06.23
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June 23, 2021
Date

13. **Approvals in accordance with the [VHAPM Part 806.3 OFOC SOP:](#)**

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

Kenneth A. Spohn 404542

Kenneth A. Spohn signing for Gregg R. Sutcliffe
Supervisory Contracting Officer, NCO23
Network 23 Contracting Office (NCO 23)
Nebraska-Western Iowa Healthcare System – Omaha

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Date

- b. **One Level Above the Contracting Officer (Required over SAT but not exceeding \$750K):** I certify the justification meets requirements for other than full and open competition.

Scott J. Petrin
1494019

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1494019
Date: 2021.06.23 16:05:44 -05'00'

Scott J. Petrin
Division Chief, NCO23
Network 23 Contracting Office (NCO 23)
Nebraska-Western Iowa Healthcare System – Omaha

June 23, 2021
Date