

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 36C263-22-AP-4630

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 23 (NCO23), 3600 30th Street, Des Moines, IA 50310.
Requiring Activity: VA Black Hills Health Care System (VABHHCS), Fort Meade VA Medical Center, Facilities Management Engineering Department, 113 Comanche Road, Fort Meade, SD 57741.
VA Purchase Request Form 2237 number: 568-22-4-9972-0037.

2. **Nature and/or Description of the Action Being Processed:** A new construction project that has a need for brand-named sole source items from Johnson Controls International (JCI) – Building Automation System (BAS) devices and programming, fire alarm devices and programming, and PIV card readers for door access controls and programming. These are partial requirements for Project 568-14-110 Renovate and Consolidate Inpatient Functions which the contractor shall renovate the second floor of Building 113 in phases to accommodate the operational needs of the facility. This project will take multi-bedrooms and condense them to the proper single patient beds/ double patient beds. This project will also replace the HVAC in the space to meet new COVID requirements. There will be a new elevator installed on this project and the 1st floor will be renovated around the elevator to accommodate the change in patient flow. The overall construction project will be solicited in a competitive environment as a 100% Service-Disabled Veteran-Owned Small Business set-aside and will be awarded as a Firm-Fixed Price contract.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** As part of this partial requirement, the contractor shall provide BAS devices and services such as DDC 300 points and controls to the replacement HVAC equipment within the project, training to employees as needed on the system, integration with the existing system, and provide test controls systems at the completion of the contract. The estimated costs for the BAS requirements of the project is

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As part of this partial requirement, the contractor shall provide fire alarm devices such as smoke detectors, heat detectors, alarm stations, visual and audio alarms, water flow switches, and smoke/fire door closures and programming to the existing system. The estimated costs for the Simplex Fire Alarm System devices and programming is

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As part of this partial requirement, the contractor shall provide PIV card readers and programming to the existing system. The estimated costs for the PIV door access card readers and programming is

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The total costs for this Justification and Approval for JCI to provide the requirements for the BAS, fire alarm system and door access controls is

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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 41 USC §3304(a)(1) as implemented by FAR 6.302-1

- 5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The specified building automation system is the only system meeting the requirements of the Fort Meade VA Medical Center. The intent is to install the same brand and type of building automation system throughout the medical center to provide a system that is compatible with the existing system. JCI is used throughout the facility for all temperature control needs which is managed via the BAS. The current Johnson Controls Building Automation System utilizes proprietary technology so other systems are not able to connect to it. As part of this requirement, the contractor shall provide DDC 300 points and controls to the HVAC equipment within the project, training to employees as needed on the system, integration with the existing system, and provide test controls systems at the completion of the contract. The medical center has standardized on this system to improve patient safety, building temperature comfort, temperature alarms/alerts, and reduce maintenance and training costs. Patient comfort and safety would be at risk if a patch work of climate controls systems were installed in any facility that already has Johnson controls. Lack of a standardized system would impact the facilities ability to maintain proper climate control.

The specified fire alarm system is the only system that can meet the requirements of the Fort Meade VA Medical Center. The intent is to install the same brand and type of fire alarm system throughout the medical center to provide a system that is compatible with the existing system. The JCI Simplex System is used throughout the facility for all fire alarm functions. The current JCI Simplex fire system utilizes proprietary technology so other systems are not able to connect to it. The medical center has standardized on this system to improve patient and building safety and reduce maintenance and training costs. The requirement of this project would add fire alarm devices such as smoke detectors, heat detectors, alarm stations, visual and audio alarms, water flow switches, and smoke/fire door closures all of which must communicate and function with the existing system to prove full fire protection of the facility. Patient, employee, and building safety would be at risk if a different fire alarm system was installed as there would be a risk of non-communication between the devices. Lack of a standardized system would impact the facilities ability to maintain fire safety standards.

The specified JCI door access PIV card readers are the only door controls that can meet the requirements of the Fort Meade VA Medical Center. The intent is to install the same brand and type of PIV card readers throughout the medical center to provide a system that is compatible with the existing system. The JCI PIV card readers are used throughout the entire facility for all door access controls. The current JCI PIV door access control system utilizes proprietary technology so other systems are not able to connect to it. The medical center has standardized on this system to improve patient and building safety and reduce maintenance and training costs. The requirement of this project would add PIV card readers for specified doors all of which must be programmed to communicate and function with the existing system. Patient, employee, and building safety would be at risk if a different door access system was installed as there would be a risk of non-communication between the devices and could cause security breaches within the facility. Lack of a standardized system would impact the facilities ability to maintain the security space/building standards.

Accordingly, JCI is the only firm capable of providing the supplies and services described In Section III above without the Veteran's Health Administration and Fort Meade VA Medical Center experiencing

substantial duplication of cost that could not be expected to be recovered through competition. In addition, JCI is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration and Fort Meade VA Medical Center experiencing substantial risks to patient care, safety of patients and employees, and complete building security and safety.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The overall construction project will be solicited in a competitive environment as a 100% Service-Disabled Veteran-Owned Small Business set-aside and will be awarded as a Firm-Fixed Price contract; however, the supplies and services needed under this Justification and Approval will be sourced from JCI. All of the JCI systems as mentioned was previously competed under separate requirements and are considered major systems for the Fort Meade VA Medical Center. The current JCI systems contains and utilizes proprietary technology and data so other systems are not able to connect to the existing systems.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** It is anticipated that the overall project costs from the lowest priced offer will be considered fair and reasonable based upon competition, comparison with the Independent Government Cost Estimate (IGCE), and current market conditions for like or similar work.

In order to assist with a price fair and reasonableness determination other than that mentioned above, the Contracting Officer may require the contractors to provide a further price breakdown of these components and systems for additional price analysis.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted prior to selecting this manufacturer as the facilities standard base for these major systems. This justification is specific to the manufacturer, Johnson Controls International. Separate projects for facility-wide systems to include the building automation system, fire protection system, and door access controls system was competed with JCI being selected. These partial requirements of this project is a minor extension of the existing systems. At this time there are no competing vendors whose products are fully compatible with the existing systems; however, if devices or systems other than Johnson Controls is found to have the capability to communicate and maintain the integrity of each of the referenced systems then it will be considered acceptable. None to date is known or shown to be available.

Market research for the overall project was completed and a determination was made that the project can be competed to SDVOSBs under the NAICS 236220 Commercial and Institutional Building Construction to meet the VA Rule of Two in accordance with VAAR Class Deviation 810.001-70. NCO23 has available to them the use of the North Dakota/South Dakota Construction MATOC which will be utilized for the project. Results of the market research can be found in the eCMS file under P02 and P02.1.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Alternate systems were considered during design of the project; however, the results indicated that these systems contain proprietary technology and data and no other vendors were able to provide the supplies and services to be compatible with the existing systems. Because of these results, the construction

Part 806.3 Other Than Full and Open Competition (OFOC)
Attachment 7: Request for Sole Source Justification Format >SAT

documents to include the specifications, drawings, and statement of work only allows for JCI because no other supplies or services from another vendor is available.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: None

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: If in the future, another vendor other than Johnson Controls is found to have the capability to communicate and maintain the integrity of each of the referenced systems then it will be considered acceptable. In addition, if in the future the facility has the need to develop and install new systems in their entirety, competition would be considered for the requirement.

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.

Justin Whitehead
Engineering Program Manager
VABHCS, Fort Meade, SD

06/27/2022

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.

Angie Mabley
Contracting Officer
Network Contracting Office 23

6/27/2022

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.

Gregg Sutcliffe
NCO 23 Branch Chief

06/28/2022

Date