# DEPARTMENT OF VETERANS AFFAIRS

## Justification and Approval (J&A) for Other Than Full and Open Competition

**Acquisition Plan Action ID:** 36C776-26-AP-0366

1. **Contracting Activity:**
   Veterans Health Administration (VHA), Program Contracting Activity Central (PCAC). The proposed procurement is for the EHRM Infrastructure Upgrades Construction project at the Syracuse Medical Center (VAMC).

2. **Nature and/or Description of the Action Being Processed:**
   This justification is to support the EHRM Infrastructure Upgrades Construction project at the Syracuse VAMC that will be awarded as a firm-fixed price contract. This justification is for other than full and open competition for the procurement of certain construction materials. The use of a particular brand name for the items listed below accommodates standardization of these items throughout the facility.

   a. UPS EATON
   b. Automatic Transfer Switch Russ Electric
   c. Electrical Distribution Panels Square D
   d. Data Center Cooling Crack Unit Liebert

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**
   This procurement is for the EHRM Infrastructure Upgrades Construction project at the Syracuse VAMC. The scope includes everything necessary to complete the EHRM Infrastructure Upgrades Construction project that meets the requirements of the Department of Veterans Affairs. There are four (4) brand name items listed for which the VA is not able to accept equal or alternate items. The value of the items are listed below. The VAAR Construction magnitude for the entire project is between $20,000,000 and $50,000,000.

   a. UPS
      i. Eaton
      ii. Value: [redacted]
      iii. Description: The facility currently has multiple Eaton units in the facility that are on a service contract.
   b. Automatic Transfer Switch
      i. Russ Electric
      ii. Value: [redacted]
      iii. Description: Russ electric ATS switches are currently being used in the facility. They have unique features that enable safe repairs to the switch while energized that other manufacturers don't incorporate.
   c. Electrical Distribution Panels
      i. Square D
      ii. Value: [redacted]
      iii. Description: These panels are throughout the facility which we have a good stock of spare parts for these items so that we can minimize any downtime due to failures.
   d. Data Center Cooling.
      i. Liebert

ii. Value: [redacted]
iii. Description: The facility currently has multiple Liebert units in the facility that are on a service contract. Also have inventory of spare parts that will minimize any down time of these units due to failures.

**4. Statutory Authority Permitting Other than Full and Open Competition:**

(X) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per 41 USC §3304(a)(1) as implemented by FAR 6.103-1;
( ) Unusual and Compelling Urgency per 41 USC §3304(a)(2) as implemented by FAR 6.103-2;
( ) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per 41 USC §3304(a)(3) as implemented by FAR 6.103-3;
( ) International Agreement per 41 USC §3304(a)(4) as implemented by FAR 6.103-4
( ) Authorized or Required by Statute per 41 USC §3304(a)(5) as implemented by FAR 6.103-5;
( ) National Security per 41 USC §3304(a)(6) as implemented by FAR 6.103-6;
( ) Public Interest per 41 USC §3304(a)(7) as implemented by FAR 6.103-7;

**5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**
These items have been standardized throughout the Syracuse VAMC. Installing a different manufacturers' systems will create significant duplication in costs for the facility, and in most cases the equipment will not function properly. The specific impact for not using the brand name items is listed below:

a. UPS
   i. Eaton
   ii. Impact: Any other devices and equipment not of the existing manufacturer may not provide repair services to have the ability maintain a reliable system. These have proven to be a reliable manufacturer that continues to support installations. Factory trained and authorized service have already been located and supported by OEM within a limited travel time to provide emergency service support.
b. Automatic Transfer Switch
   i. Russ Electric
   ii. Impact: Any other devices and equipment not of the existing manufacturer may not provide repair services to have the ability maintain a reliable system. These have proven to be a reliable manufacturer that continues to support installations. This equipment is unique in the ability to provide a safe work environment when working on ATS while energized. Factory trained and authorized service have already been located and supported by OEM within a limited travel time to provide emergency service support.
c. Electrical Distribution Panels
   i. Square D
   ii. Impact: Any other devices and equipment not of the existing manufacturer may not provide repair services to have the ability maintain a reliable system. These have proven to be a reliable manufacturer that continues to support installations. Factory trained and authorized service have already been located and supported by OEM within a limited travel time to provide emergency service support.
d. Data Center Cooling

i. Liebert
ii. Impact: Any other devices and equipment not of the existing manufacturer may not provide repair services to have the ability maintain a reliable system. These have proven to be a reliable manufacturer that continues to support installations. Factory trained and authorized service have already been located and supported by OEM within a limited travel time to provide emergency service support

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**
In accordance with the Competition in Contracting Act (CICA), the components listed above are identified as brand name; however, the overall procurement will be competed as a Service-Disabled Veteran-Owned Small-Business (SDVOSB) set-aside. This Justification for Other Than Full and Open Competition will be posted to Contract Opportunities with the solicitation.

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:**
The Government estimate was prepared by the VA team and confirmed by the Contracting Officer's Representative (COR). The anticipated price to the Government for the items requested to be brand name is approximately [redacted].

The items for which brand name approval is being requested are subsequent components to the overall construction project. This procurement will be competed and based on competition; the CO will make a determination of fair and reasonable pricing prior to award.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

The market research for the required brand name items was conducted and prepared by the COR and A/E. This information was then shared with the CO for further review. The CO was in concurrence with information provided that supported these brand name items. Approval of the items as brand name only is critical for the overall efficiency of the completed project and the entire Syracuse VAMC.

The market research concerning the required brand name items was previously conducted when the procurement of these items were originally purchased. The manufacturers and products are exclusively acceptable for reasons outlined in this J&A.

An additional purpose of the market research was to ensure requirements of the Buy American Act (BAA) has been met for each of the brand name items identified. The A/E team reviewed each of the compliance standards for the BAA and compared it with the components in each of the brand name items. After their thorough review, they have concluded that each item is in compliance with the BAA. See an overview below for each item:

a. UPS - EATON
i. By doing some research on Eaton manufacturing and assembled in the Wisconsin, USA and worldwide. The units that we have on site indicate assembled in USA. Therefore, there are no concerns regarding the "Buy American" compliance.

b. Automatic Transfer Switch - Russ Electric
    i. Research on Russ Electric manufacturing they have locations in Massachusetts, and Oklahoma, with manufacturing in the USA. Therefore, there are no concerns regarding the “Buy American” compliance

c. Electrical Distribution Panels - Square D
    i. Research on Square D (Schneider Electric) manufacturing they started in Detroit/Andover, MA, with manufacturing in the USA. Therefore, there are no concerns regarding the “Buy American” compliance

d. Data Center Cooling Crack Unit - Liebert
    i. Research on Liebert manufacturing they mainly are out of Columbus Ohio, with manufacturing in the USA and worldwide. Therefore, there are no concerns regarding the “Buy American” compliance

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:**
The new components (Security Camera and monitoring, Physical security access control, and Fire alarm systems) must be tied into the existing and operational systems including the use of existing hardware. At this time, there are no competing vendors who have the ability to interface to these systems, products must be fully compatible with the existing systems being used at the Syracuse VAMC.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**
Not applicable. It is the responsibility of the offerors and the general contractor awarded the project to locate suppliers and obtain pricing for all materials and components, including the items listed in this justification.

**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:**
There will be competition for the overall procurement. It will be the responsibility of the offerors to obtain pricing from the suppliers of the items and to submit a competitive proposal for the project.

**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.

PAUL KERESTEDJIAN Digitally signed by PAUL KERESTEDJIAN
Date: 2025.12.11 14:00:46 -05'00'

Paul Kerestedjian
COR/Engineer
Syracuse VAMC

Date

**13. Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:**

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

BRIDGET MAY Digitally signed by BRIDGET MAY
Date: 2025.12.11 10:47:24 -05'00'

Bridget May
Contracting Officer
Program Contracting Activity Central

Date