DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID:__36C244-26-AP-2320_____

1. **Contracting Activity:** Department of Veterans Affairs, VISN 4, Lebanon VAMC, Facilities Service is requesting this J & A approval from the NCO4 Construction Team - West

2. **Nature and/or Description of the Action Being Processed:** This is a Justification and Approval for Other Than Full and Open Competition, Brand Name Only, for Distech Controls HVAC Controls which are a direct replacement of the current BAS system no longer able to reside on the VA network. A large portion of the construction materials for construction project 595-26-105, a new requirement to award a firm fixed price contract.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** HVAC controls, sensors, installation, programming, commissioning, start-up and training to create a complete and usable Distech Controls HVAC control system that seamlessly integrates with our new Distech Controls Triduim-Nigara facility wide HVAC control system, as per Specificaiton Section 23 09 23 and related drawings. The total estimated value of the HVAC controls system is [redacted]

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;
   ( ) (2) Unusual and Compelling Urgency per 41 USC §3304(a)(2) as implemented by FAR 6.302-2;
   ( ) (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per 41 USC §3304(a)(3) as implemented by FAR 6.302-3;
   ( ) (4) International Agreement per 41 USC §3304(a)(4) as implemented by FAR 6.302-4
   ( ) (5) Authorized or Required by Statute per 41 USC §3304(a)(5) as implemented by FAR 6.302-5;
   ( ) (6) National Security per 41 USC §3304(a)(6) as implemented by FAR 6.302-6;
   ( ) (7) Public Interest per 41 USC §3304(a)(7) as implemented by 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):** Only One Responsible Source (FAR 6.302-1) – Although there are other manufacturers of HVAC controls that can meet the same general performance standards as the Distech Controls equipment, they are not compatible with the Distech controls Controls system open protocol, non-proprietary BAS system. The Distech Controls system is exclusively being migrated into this facility. Use of additional manufacturers would result in the requirement to purchase and store additional spare inventory, have additional service contracts, duplicative monitoring equipment at multiple locations in the hospital, and additional training for our HVAC technicians and boiler plant maintenance personnel. Accordingly, Distech Controls is the only manufacturer 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:** A Notice of Intent to Sole Source HVAC Controls manufactured by Distech Controls will be posted on SAM.GOV with the solicitation. Offerors will be able to obtain Distech Controls Components from various distributors and sources available in the open market

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The contract is a firm fixed price contract with multiple bidders and the HVAC control components are available from multiple vendors. Bid prices will be compared with the independent government cost estimate to verify that the proposed contract cost is fair and reasonable.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** As described in Section 6 above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Proper temperature, humidity and pressure control are vital to maintaining the health of our veterans, staff and visitors and installing non-compatible equipment will lead to functionality issues that will reduce patient, staff and visitor safety. No other manufacturer makes a system that is guaranteed, as a whole, to be compatible with our installed Distech Controls Tridium Niagara sytem. System incompatibility can lead to the failure of operators and staff to receive timely and accurate notification of improper pressurization of isolation rooms and operating rooms, or improper humidity control throughout the hospital leading to infection control issues for our veterans, staff, or visitors.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See paragraph 6, above.

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, there is a requirement to replace the HVAC control for the entire facility, then we will consider all manufacturers of HVAC controls with the appropriate performance specifications.

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.

[redacted] [redacted]

[redacted] Date

Assistant Chief Engineer
Lebanon VAMC

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.

[redacted] [redacted]

Date

Contracting Officer
NCO4 West Construction Team

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.

[redacted] [redacted]

[redacted] Date

Chief, NCO4 West Construction Team