



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, MID-ATLANTIC
9324 VIRGINIA AVENUE NORFOLK, VA 23511-3095

J&A No. ML-15-8

JUSTIFICATION AND APPROVAL FOR USE OF
OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity:

Naval Facilities Engineering Command, Mid-Atlantic, Public Works Department Great Lakes, IL.

2. Description of the action being approved:

This procurement for proprietary services will result in a firm-fixed price facilities services contract to Siemens Industry, Inc.

3. Description of the supplies or services:

This requirement covers the maintenance and repair of existing proprietary equipment for DDC systems currently monitoring and controlling HVAC systems. Siemens Industry, Inc.; has proprietary software which improves temperature control, increases energy efficiency and reduces maintenance and operating costs. The contract shall consist of a base year and four option years.

	FY15	FY16	FY17	FY18	FY19	Total
O&MN	\$51,305.00	\$52,847.00	\$54,432.00	\$56,065.00	\$57,747.00	\$272,396.00

4. Statutory Authority Permitting Other than Full And Open Competition:

The statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c)(1), One source or limited sources, as implemented by FAR 6.302-1, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

5. Rationale Justifying Use of Cited Statutory Authority.

The statutory authority cited in Paragraph 4 above is applicable due to the one source, Siemens Industry, Inc., owning the existing proprietary software for the DDC Systems currently

installed in all buildings on base. Once a system is installed, all additional services, repairs, and programming can only be serviced or upgraded by the installing contractor. The Navy would risk damage or failure to the installed system and software if a different manufacturer were used to perform maintenance on existing equipment. To repurchase proprietary software that has been in place for 15 years would require renovations of all DDC systems and controls installed in all buildings on base.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable:

A market survey was conducted under NAICS 561621 on this requirement and the previous requirement under contract N40083-10-M-3006. No vendors were found with the abilities to perform maintenance and repairs utilizing the software proprietary to Siemens Industry, Inc. The monitoring and maintenance must be performed by the contractor who initially installed the proprietary systems.

7. Determination of Fair And Reasonable Cost.

The Contracting Officer has determined the anticipated cost to the Government of the services covered by this J&A will be fair and reasonable.

8. Actions to Remove Barriers to Future Competition.

For the reasons set forth in Paragraph 5, NAVFAC has no plans at this time to compete future contracts for the types of services covered by this document. If another potential source emerges, NAVFAC will assess whether competition for future requirements is feasible.

Signature pages redacted for posting.