

Subj: USE OF OTHER THAN FULL AND OPEN COMPETITION FOR AN ACQUISITION UNDER THE SIMPLIFIED ACQUISITION THRESHOLD

I. BACKGROUND:

1. FAR 13.106-1(b)(1)(i) states for purchases not exceeding the simplified acquisition threshold, Contracting Officers may solicit from one source if the Contracting Officer determines that the circumstances of the contract action deem only one source reasonably available (e.g., urgency, exclusive licensing agreements, brand-name or industrial mobilization).

2. As required by FAR 13.106-3(b)(3)(i), this memorandum explains the absence of competition for this acquisition, as only one source will be solicited for this requirement (or for a portion of the requirement) and the requirement is not expected to exceed the simplified acquisition threshold.

II. DESCRIPTION OF ITEM OR SERVICE:

The intent of solicitation N40085-23-R-2523 is to provide an expansion to the Marine Raider Training Center's Cultural Assimilation Facility to support SOF Operator initial and sustainment language and cultural training necessary for maintaining persistent presence in complex and diverse operating environments for U.S. Marine Corps Forces Special Operations Command (MARSOC).

This project involves the construction of a 421 SM (4,530 SF) pre-engineered addition to Building RR439. The building addition will be a single-story steel framed structure with brick veneer over metal studs, metal soffit, and metal wall panels. Special construction features include coastal area storm water best management practices. Electrical systems include lighting, energy monitoring/control, intrusion detection, primary power, branch circuits, and fire alarms. Mechanical systems include plumbing, fire protection, dehumidification, air conditioning, and digital controls. Information systems include telephone, data, local area network, mass notification and intercom. Site work will include building utility systems, parking, sidewalks, domestic water, fire protection water, sanitary sewer, sewage conveyance, propane gas, perimeter security fencing, gates, storm water, fiber/copper communications, cable television, and area lighting.

This Justification and Approval documents the need for a standardized, interoperable Facility Related Control System (FRCS) in Building RR439 on board MCB Camp Lejeune, as required by NAVFACINST 11000.2 (FACILITY RELATED CONTROL SYSTEM STANDARDIZATION). Paragraph 3 of this instruction states, "[a]ll Navy and Marine Corps installations will, for all new construction and renovation projects going forward, standardize FRCS per function (and/or special area), at a given installation, eliminating disparate systems in order to" improve cybersecurity, increase operational effectiveness and consistency, and achieve maintenance efficiencies, among other things.

This justification seeks to require inclusion of several brand name items in the above-referenced solicitation. Specifically, the use of *JCI Metasys* brand name programmable building controllers

and *Tridium Niagara-compatible* programmable building controllers from *JCI FX* and *Distech* will be required for all projects that require a connection to the identified (existing or currently under development) installation networked facilities control and monitoring system commonly referred to as the UMCS system. The *JCI* and *Distech* programmable building controllers will be configured and programmed using government-licensed software from *JCI* and *Distech*. Programmable building controllers are categorized as Facility Related Control Systems (FRCS), which are part of the overall UMCS and include *Network Control Modules*, *Network Appliance Engines*, *Extended Digital Controllers*, *Variable Air Volume Modular Controllers*, *Unitary Controllers*, and *Field Equipment Controllers*. The requirement to use *JCI* and *Distech* software to program the indicated programmable building controllers does not restrict who can install, commission, test, maintain, or operate the controllers, and there are several known sources who can provide such services.

All required programmable building controllers are authorized under this J&A regardless of method of execution or procurement strategy (i.e., contracted, in-house shop forces, base operating support contracts, or materials supply chain contractor).

The total cost of the construction contract including this material as well as FFE and AV equipment is estimated to be [REDACTED]. The estimated value of the brand name supply that is the subject of this J&A is approximately [REDACTED]. The project will be funded by [REDACTED] funds for construction. The work under this contract is required to be completed within 555 days after award.

III. THE DETERMINATION FOR USE OF OTHER THAN FULL AND OPEN COMPETITION IS BASED ON THE FOLLOWING:

A. X ONLY ONE RESPONSIBLE SOURCE (select all that apply):

1. RESTRICTIVE RIGHTS. The source has established proprietary rights, limited rights in data, patent rights, copyrights or secret processes in the item or service required.
2. EXCLUSIVE LICENSING AGREEMENTS. The item or service is only available from the Original Equipment Manufacturer (OEM), or there is only one authorized distributor or technical representative for the OEM.
3. X OTHER REASONS.

MCB Camp Lejeune, NC, has a reasonable need for standardization and interoperability of its existing building control systems that will require a connection to the identified installation networked facilities control and monitoring system commonly referred to as UMCS system.

MCB Camp Lejeune, NC, finalized a rigorous business case analysis in January 2020 on the existing inventory of building control systems connected and not connected to the UMCS to assess the need for standardization and interoperability, as required by NAVFACINST 11000.2 (FACILITY RELATED CONTROL SYSTEM STANDARDIZATION). This business case analysis evaluated the standardization of building Heating, Ventilation, Air Conditioning

(HVAC) programmable controllers and quantified the annual cost associated with procurement, sustainment of operations and maintenance, and establishment and sustainment of Department of the Navy cybersecurity requirements. The results of this business case analysis demonstrate that in order to maintain existing cybersecurity posture of the Authority to Operate (ATO) per Department of Defense Instruction 8510.01 and increase operational effectiveness and consistency, the use of *JCI* or *Distech* programmable building controllers will be required for all projects that require a connection to the UMCS.

A sources sought notice was published on 27 October 2022 and yielded no responses. The notice closed on 10 November 2022 and included technical information that must be met in order to determine the market climate. No firms replied with a capability statement. Therefore, *JCI* or *Tridium Niagara-compatible* programmable building controllers from *JCI FX* or *Distech* along with Palo Alto Firewall supervisory controller are the only sources reasonably available that meet the Government's needs.

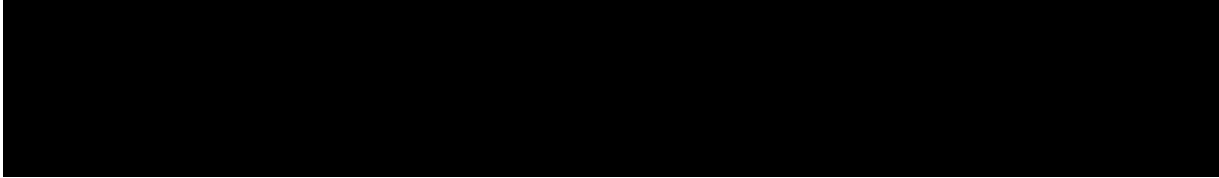
B. ___ BRAND NAME. Item required must be a brand name product, or feature of a product, particular to one manufacturer.

C. ___ UNUSUAL AND COMPELLING URGENCY. The supplies or services are of such unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals. Urgent requirements are supplies or services that will result in a work stoppage, or are mission critical and the routine processing time would result in injury to the Government. The determination that the procurement for the above item/service is an urgent and compelling requirement is based on the following:

1. Date on which the requirement was first identified:
2. Required delivery date/period of performance:
3. Explanation of why delivery/commencement of services by the date mentioned above is required:
4. If appropriate, include any additional pertinent information.

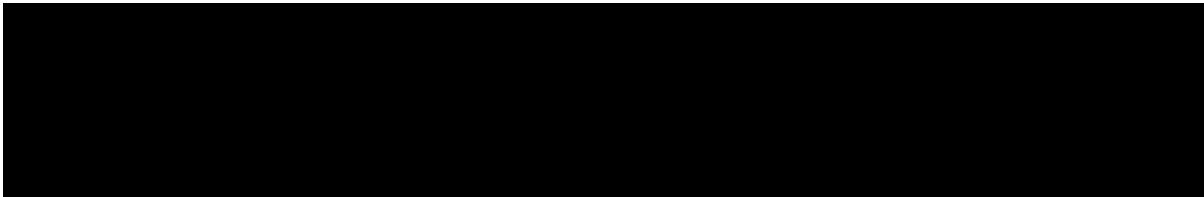
IV. CERTIFICATIONS/APPROVALS:

TECHNICAL / REQUIREMENTS CERTIFICATION: I certify that the facts and representation under my cognizance which are included in this justification are complete and accurate to the best of my knowledge and belief.



LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.



CONTRACTING OFFICER APPROVAL

I certify that this Justification is accurate and complete to the best of my knowledge and belief.

