

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

Department of Veterans Affairs (VA), VISN 21, NCO 21-VA Palo Alto Health Care System (VAPAHCS), Logistics Management Service intends to enter into a sole source contract to purchase Continuous Enhanced Circulation Therapy (CECT) rentals from Medical Compression System (MCS) Med Inc. The VA has the availability of legally sufficient funds to award any resultant contract. The Purchase Request Number is 640-14-1-221-0006.

2. Nature and/or Description of the Action Being Processed:

This is a new action to purchase CECT rentals. This will be a commercial item, firm-fixed price supply contract with four (4) option years.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

VAPAHCS is requesting a new five (5) year contract for CECT Rentals. This is an annual requirement for the requesting office.

CECT is a non-invasive blood circulation therapy used for the prevention of Deep Vein Thrombosis (DVT-formation of blood clots in the vein) by applying intermittent, sequential pressure to the patient's leg in a systematic pattern, increasing venous blood flow and reducing the risk of clot formation. Pulmonary embolism (PE) can occur when a blood clot from a DVT breaks off and travels through the bloodstream to the lungs. A CECT compression device may be superior to standard devices in the prevention of DVT/PE, because this device is portable and allows for continuous therapy; it enables the use of the system in the patient's home away from the hospital setting. These factors have led to cost savings associated with earlier hospital discharge and proven clinical effectiveness. The VAPAHCS requires CECT devices to perform an average of 300 procedures yearly.

The estimated contract value for the rental of these devices is [REDACTED] the period of Award to 09/30/2018. The estimated value of the base year is [REDACTED]

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

41 USC §253(c)(1), as implemented by FAR 6.302-1. Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per 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):

Per market research, the CECT device manufactured by MCS appears to be the only non-pharmaceutical, mechanical solution that provides effective prevention of deep vein thrombosis (DVT)/venous thromboembolism (VTE) for both hospital inpatient and outpatient use.

The VA's minimum needs can only be satisfied by the CECT device manufactured by MCS.

Accordingly, MCS is the only firm capable of providing the supplies and services described in Section 3 above without the VA experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

A Sources Sought (VA261-14-I-0491) was posted via FBO on 04-29-2014 and closed on 05-06-2014. The sources sought notice was issued for the purpose of collecting information about the availability of equal and comparable products for the CECT device manufactured by MCS. No responses were received from additional sources indicating that they could provide an equal or comparable product to the CECT device.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

By signing this document the Contracting Officer is determining that the anticipated cost to the Government will be fair and reasonable. The estimated cost of this action is below the threshold for requiring cost and pricing data. The basis for determining fair and reasonable pricing will include reviewing pricing from prior year contracts for this requirement and additionally reviewing the producer price index for the designated industry.

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:

Specifications, engineering descriptions, statements of work, statements of objectives, or purchase descriptions suitable for full and open competition are not being used because VA has determined that only one supplier makes this type of CECT device which VA requires.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

No sources expressed interest as stated above in Section 6.



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:

No follow-on competitive acquisition is planned. However, VA will continue to monitor the commercial marketplace to determine if other manufacturers have started to manufacture devices that provide treatment for DVT and PE in the same manner as MCS.

