

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

Veteran Health Administration (VHA)
Service Area Office (SAO) – East
323 North Shore Drive, Suite 500
Pittsburgh, PA 15212

Requiring Activity:

James J Peters VAMC, NCO3
130 West Kingsbridge Rd
Bronx, NY 10468

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

2237 Number: 526-13-3-2213-1311

This is a request for Other Than Full and Open Competition for a Firm Fixed Price Contract for an essential piece of equipment for the VAMC microvascular research program in accordance with FAR 6.302-1.

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

This piece of equipment is a duplicate to the existing laser Doppler flowmetry system located at the James J Peters VAMC. It will be used at their Satellite Research center and permit researchers to expand their data collection capacity on a VA funded research initiative. The estimated cost for this equipment is \$37,685.00. Below is a list of all required parts:

- One (1) PF 750 Perilont System for LDPM, Product Code 93-00124
- Two (2) PF 5010 LDPM Units, Product Code 90-00015
- One (1) PF 5001 Main Unit, Product Code 90-00007
- Two (2) PF 495 RS232 to USB Cable (1m), Product Code 93-00139

The PF 750 Perilont System is a specially designed device to deliver small amounts of medication to the skin for investigations of skin blood flow. The laser Doppler Module (PF 5001 and PF 5010) obtains blood flow measurements, which are recorded by a proprietary software program that is connected to the computer through a specialized cable (PF 495). Perimed, Inc. is the only firm capable of providing the supplies and services described above without the Veteran's Health Administration experiencing substantial duplication

of cost that could not be expected to be recovered through competition. In order to maintain the integrity of data and scientific accuracy, duplicate data collection systems are required.

The total estimated cost of this system is \$ 37,685.00.

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 FAR 6.302-1;
- () (2) Unusual and Compelling Urgency per FAR 6.302-2;
- () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- () (4) International Agreement per FAR 6.302-4;
- () (5) Authorized or Required by Statute FAR 6.302-5;
- () (6) National Security per FAR 6.302-6;
- () (7) Public Interest per 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):

The items required from Perimed, Inc. are a required duplicate system that will permit the James J Peters VAMC to expand their data collection capacity. The backbone system (PF 5001 Main Unit), laser Doppler modules (PF 5010), Perilont System (PF 750) and cable (PF 495) are proprietary products manufactured by Perimed, Inc. Only the attachments made and manufactured by Perimed, Inc. are compatible with the system. Therefore, the combined parts will create an inclusive data collection unit that can only be provided by Perimed Inc. In order to maintain the integrity of data and scientific accuracy, duplicate data collection systems are required. The only source capable of providing this duplicate system is Perimed, Inc.

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

This is a proprietary system manufactured by Perimed, Inc. No other source can make this part. An intent to sole source was posted to FBO on 06/02/14 and closed on 06/09/14. No responses were received, further confirming that Perimed, Inc. is the only source capable of satisfying this requirement.

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

New laser Doppler systems with the capability to delivery small amounts of medication generally cost anywhere from \$50,000-\$75,000. The Department of Veterans Affairs would otherwise have to purchase 2 completely new systems to maintain data integrity, consistency, and compatibility. The list price for the second system described herein is \$37,685.00. The list price is the same price that is offered to other customers in the commercial marketplace. The Contracting Officer will request an additional discount prior to contract award.

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

An intent to sole source was posted to FBO on 06/02/14 and closed on 06/09/14. No responses were received, further confirming that Perimed, Inc. is the only source capable of satisfying this requirement.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

The James J Peters VAMC already possesses a laser Doppler flowmetry system manufactured by Perimed, Inc. The VAMC is expanding their data collection capacity and therefore require a duplicate system. Perimed, Inc is the sole provider of this proprietary system. Therefore, no other source can provide this equipment.

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

None. An intent to sole source was posted to FBO on 06/02/14 and closed on 06/09/14. No responses were received, further confirming that Perimed Inc. is the only source capable of satisfying this requirement.

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:

This is a proprietary system manufactured by Perimed, Inc. No other source can manufacturer or distribute this system. The Research Office will continue to survey the market for other sources that can provide similar equipment for future acquisitions.

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.

13. Approvals in accordance with FAR 6.304

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

b. **NCM/PCM (Required \$3K and above)**: I certify the justification meets requirements for other than full and open competition.