

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval  
For  
Other Than Full and Open Competition

1. **Contracting Activity:**

Department of Veterans Affairs, SAO West - Network Contracting Office (NCO) 22, for the VA Southern Nevada Healthcare System (VASNHS) proposes to enter into a contract pursuant to FAR Subpart 13.106-1(b)(1)(i), Single Source. Purchase request (PR) 2237 # 593-15-1-140-0011.

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

VASNHS is proposing a contract for maintenance and repair services for Draeger ventilators. It has been determined that the circumstances in which the contractor has proprietary rights (brand name) justifies a sole source award. This procurement will be awarded as a new contract, with a base and four (4) option years, on a Firm Fixed Price (FFP) basis in accordance with (IAW) FAR Subpart 12.207(a) and FAR Part 13.

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

This procurement under PR # 593-15-1-140-0011 is for maintenance and repair services on Government-owned Draeger Evita Infinity V500 and Savina 300 ventilators (Draeger ventilators). The Draeger ventilators are used for the daily function of providing treatment to veterans within the Pulmonary department. Draeger Medical Inc. (Draeger) shall provide all labor, parts, and equipment to perform repairs, maintenance, and calibration to the Draeger ventilators. These services shall keep the Draeger ventilators up to recommended factory specifications, 100% functional/optimal performance, and certified for clinical use. Draeger is the Original Equipment Manufacturer (OEM) of the Draeger ventilators and holds all exclusive proprietary data and intellectual rights to the Government-owned equipment.

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;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

Draeger is the sole OEM of the Draeger Ventilators and no other contractor(s) is authorized to perform the calibrations, repairs, and maintenance within the United States. Draeger employs trains and certifies their own in-house field engineers and does not authorize or delegate this right to anyone else. The Draeger engineers also provide diagnosis of system problems and symptoms and apply the correct service to return the system to total operation per manufacturer's specifications. Proprietary letter from Draeger also affirms that Draeger is the only entity.

**6. Description of Efforts Made to Ensure that Offers are Solicited from As Many Potential Sources as Deemed Practicable:**

A notice of intent, VA262-14-Q-0658 was posted to www.FBO.gov to allow potential contractors to respond. There were no contractors who submitted any interested and/or capability statements.

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

The anticipated price of this service contract for a base and four (4) option years is \$129,172.50 and has been deemed fair and reasonable. Draeger currently has a FSS/GSA schedule identified as V797P-4081B, which includes Totalcare Service. The services are identified via CLIN # 1900193 – Savina 300 (\$1736.34 per year / per equipment) and CLIN # 1900127 – Evita Infinity V500 (\$1821.98 per year / per device). If the VASNHS purchased the preventive maintenance services at the time of equipment purchase, it would have cost \$127,892.50 for a base and four (4) option years. This is only a 1% price variance, therefore the price has been deemed fair and reasonable based against established contract pricing through V797P-4081B. Note that this requirement is open market because the contract pricing only applies when purchased at the same time with the equipment. VASNHS opt not to purchase the service agreement at the time of equipment purchase.

The following past awards are based on one (1) purchase orders, but do provide comparative pricing when multiplied by five (5):

1. VA244-14-P-0599, \$22,177.35
2. VA251-14-C-0024, \$30,809.25
3. VA261-14-F-0057, \$29,248.20

**8. Description of the Market Research Conducted and the Results, or Statement of Reasons Market Research was not Conducted:**

Market research was conducted on the Internet using the following keywords: Draeger, ventilator maintenance, Evita, Savina, and preventive maintenance ventilators. A search on the following websites was also conducted: www.FBO.gov, www.fpds.gov, and www.gsaadvantage.gov. Conversation with other Contracting Specialists from other NCO's also support Draeger is the only source available. FBO solicitations and awards: VA262-14-P-1023, VA260-14-I-0313, and VA243-14-Q-0488 are notices or awards for sole sourcing to Draeger and support the decision to proceed with the sole source acquisition.

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

None.

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

None

**11. Statement of 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:**

The Government will continually seek competition for this type of acquisition by posting requirements through the Government Point of Entry (GPE) – [www.FBO.gov](http://www.FBO.gov). The Government will also post a notice of intent via the GPE, giving the opportunity for any offeror(s) to submit a quote or capability statement. The Government will also conduct thorough market research to ensure that all potential and capable offeror(s) will have the opportunity to bid on Government requirements.

**12. Requirements Certification:**

I certify that the requirement outlined in this justification is a bonafide 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.

\_\_\_\_\_  
Carter Crosby  
Biomedical Engineer  
VASNHS

\_\_\_\_\_  
Date

**13. Approvals in accordance with FAR 6.304:**


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



\_\_\_\_\_  
Guiljohn Alcantara  
Contracting Officer  
NCO 22 Services, Branch 2

09/16/14  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Kevin Blanchard  
Director of Contracting  
NCO 22

09/16/14  
\_\_\_\_\_  
Date