

LIMITED SOURCES JUSTIFICATION

ORDER >\$150,000

FAR PART 8.405-6

2237 Transaction # or Vista Equipment Transaction #: 695-15-1-969-0015

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source: Provide original manufacturer's name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: Xenex Disinfection Services LLC

Manufacturer/Contractor POC & phone number: Mitch Bonderud (800)553-0069

Mfgr/Contractor Address: 121 Interpark Blvd Ste 104, San Antonio, TX, 78216-1844

☒ The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

Great Lakes Acquisition Center

115 S. 84th St., Ste 100

Milwaukee, WI 53214-1476

VISN: 12

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

Justification and approval for other than full and open competition for the purchase of new equipment against schedule 65 contract GS-07F-0587Y with Xenex Disinfection Services LLC for UV disinfecting equipment, along with a base plus four option year contract service agreement at the Clement J. Zablocki VA Medical Center, in Milwaukee, WI.

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

The Environmental Support Services at the Clement J. Zablocki VA Medical Center requires (2) non-mercury Pulsed Xenon UV Disinfection Systems to include all the service and maintenance required of the system.

(b) **ESTIMATED DOLLAR VALUE:** \$178,716.32 equipment and base year only, grand total for equipment and base plus all option years \$285,500.96

(c) **REQUIRED DELIVERY DATE:** January 2, 2014

(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.

☒ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

The Pulsed Xenon UV Disinfection System is the only product to use a non-mercury high intensity millisecond pulsed single xenon UV gas bulb for disinfection of patient rooms. The UV-C produced by the xenon lamp is the only product capable of producing pulses from a spectrum of 200 nm to 280 nm covering the entire germicidal UV band.

Xenex Healthcare Services is the only manufacturer and distributor of the Pulsed Xenon UV Disinfection System and currently does not have any distributors that provide main frame equipment and parts. Xenex Healthcare Services does not have any sub-contractors trained or certified to perform any of the service or maintenance required of the Pulsed Xenon UV Disinfection System.

☐ A patent, copyright or proprietary data limits competition. The proprietary data is: (If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

☐ These are "direct replacements" parts/components for existing equipment.

☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

☐ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

In accordance with 8.404(d) the prices delineated under Xenex Healthcare Services contract GS-07F-0587Y awarded by GSA have been determined to be fair and reasonable and is congruent with the governments IGCE for this procurement. The Pulsed Xenon UV Disinfection System from Xenex Healthcare Services represents the best value because no other companies can meet the specifications required of a non-mercury UV disinfection bulb capable of producing pulses of 200 nm to 280 nm. By covering the spectrum of 200 nm to 280 nm the VA can ensure sterilization in the entire germicidal UV spectrum which no other UV disinfection is capable of achieving.

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

A search of the VA NAC and GSA Advantage contracts identified 57 contractors under schedule 65 II A Medical Equipment and Supplies category A-89 but from this number only one provided a mercury free xenon lamp capable of producing UV pulses between 200 nm and 320 nm.

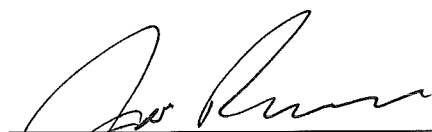
(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

None.

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

The current UV disinfection technology from Xenex Healthcare Services is proprietary and no other company is capable of providing the requirements of the hospital. Subsequent acquisitions for UV disinfection systems may be required to have open source formats that the VA owns to ensure more competition from potential vendors.

(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*



SIGNATURE

Jai Reneau

NAME

Chief EMS

TITLE

DATE

12-12-14

SERVICE LINE/SECTION

FACILITY

(10) APPROVALS IN ACCORDANCE WITH THE VHAPM, Volume 6, Chapter VI: OFOC SOP:

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

CONTRACTING OFFICER'S SIGNATURE

DATE

Antonio Reyes, Contracting Officer

NCO-12
FACILITY

b. Director of Contracting/DESIGNEE: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

SIGNATURE

DATE

Christine Hansen
Director of Contracting, Network Contracting Office 12