

BRAND NAME JUSTIFICATION
FAR PART 13 SIMPLIFIED ACQUISITION PROCEDURES
PROCUREMENT REQUEST 640-16-1-531-0015

In accordance with Federal Acquisition Regulation (FAR) 11.105(a)(1), the particular brand name, product, or feature is essential to the Government's requirements, and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's needs

- ☐ For brand name purchases not exceeding the simplified acquisition threshold FAR 13.106-1(b)(1)(i), the only portion being limited is the brand name.

This requirement is under the simplified acquisition. Brand name only is requested in the best interest of the Government. The facility requests brand name to ...

Per [5.102\(a\)\(6\)](#), this shall be included in the solicitation amendment documents.

- ☒ For brand name acquisitions of commercial items in excess of the simplified acquisition threshold conducted pursuant to FAR subpart 13.5 (13.501(a)). Justification for other than full and open competition under the authority of section 4202 of the Clinger-Cohen Act of 1996 or the authority of the Services Acquisition Reform Act of 2003 ([41 U.S.C. 428a](#)).

1. **Contracting Activity:**

The Department of Veterans Affairs Network Contracting Office- NCO 21.
3801 Miranda Ave., Bldg. T-50, Palo Alto, CA 94304

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

This action limits competition to brand name only for the acquisition of the Carl Zeiss OCT Analyzer Model CIRRUS HD-OCT 5000, and the Carl Zeiss Humphrey Field Analyzer 3 (HFA3) for the VA/DOD Monterey HCC located in Marina, CA under Purchase Request 640-16-1-531-0015. This will be a new Firm Fixed Price (FFP) Contract.

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

The facility requests to purchase the Carl Zeiss OCT Analyzer Model CIRRUS HD-OCT 5000, and the Carl Zeiss Humphrey Field Analyzer 3 (HFA3).

The estimated value is [REDACTED].

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

FAR 6.302-1(c)(ii)(A), the only portion of this acquisition is for a brand-name product or item peculiar to one manufacturer, this justification and approval covers only the portion of the acquisition which is brand-name or peculiar to one manufacturer.

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

The Humphrey Field Analyzer needs to be exact match because its software and (Forum) connectivity features will be compatible with the ones in Palo Alto and other new CBOCS eye clinic. It also has 'Guided Progression Analysis (GPA)' feature which is the only perimetry application cleared by FDA. I have attached spreadsheet describing the unique features and benefit of this product for additional info.

The Cirrus HD-OCT 5000 needs to be exact match because OCT needs to be compatible with other Zeiss OCT products used in Palo Alto and other CBOCS.

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

A request for quote will be posted on Federal Business of Opportunities (FBO) seeking any authorized distributors who can provide the Carl Zeiss OCT Analyzer Model CIRRUS HD-OCT 5000, and the Carl Zeiss Humphrey Field Analyzer 3 (HFA3).

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

As this service has been determined to be commercial, cost or pricing data will not be required. Pricing techniques such as are described in FAR 15.404-1(b)(2)(i), comparison of proposed prices received in response to the solicitation. Normally, adequate price competition establishes a fair and reasonable price.

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

Market research was conducted these products are not produced by another manufacturer.

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

Only the brand-name is being limited, please see number 4 above.

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

This procurement will be solicited on FBO seeking other authorized distributors who can provide the brand-name items specific to the Government's needs.

11. A Statement of the Actions, is any, the Agency May take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:

This procurement will be solicited on FBO seeking other authorized distributors who can provide the brand-name items specific to the Government's needs.

12. **Requirement Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veteran Affairs and 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: I certify that the forgoing justification is accurate and complete to the best of my knowledge and belief.

Approval of the Brand Name Justification:

Contracting Officer
(Proposed contract not exceeding \$650,000)

12/30/2015

Date

Competition Advocate
(Proposed contract over \$650,000 but not exceeding \$11 million)

Date