

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, San Francisco and Central California Health Care Systems.
2. **Nature and/or Description of the Action Being Processed:** We will be establishing a firm fixed price contract for hospital bed maintenance services.

FAR13.5 Test Program: This procurement is in accordance with FAR 13.5 Test Program for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This contract will be for hospital bed maintenance services. The estimated amount is [REDACTED] for a base year plus four option years.
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;

FAR13.5 Test Program: The authority for applying the Commercial Test Program of FAR 13.5 is (Section 4202 of the Clinger-Cohen Act of 1996) and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

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 manufacturer of the hospital beds, Hill-Rom Inc. is the only company capable of providing maintenance services for the beds. Hill-Rom is the original equipment manufacturer (OEM) and they do not certify third parties to provide maintenance services on Hill-Rom branded hospital beds, stretchers, and products of Hill-Rom owned subsidiaries.

Hill-Rom does not provide training to third party providers unless contractually obligated to do so, such as Bio-Med Departments of Federal Agencies. This is due to their resource constraints and their commitment to provide consistent, high quality services to their customers.

Hill-Rom furnishes OEM parts through their service programs. Other service providers may choose to use parts that do not originate from Hill-Rom and unknowingly have the products serviced by personnel that are not up to date on the latest engineering change orders, software releases, product updates or authorized service repair procedures. In contrast, Hill-Rom, as the manufacturer and supplier, will always have the correct parts and control over the training of its employees on the most updated versions of the products.

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

In an effort to determine if there were any small businesses that could potentially provide these services, a sources sought notice was posted on GSA eBuy. A draft of the Performance Work Statement was included and the notice went out to 160 small business vendors. We didn't receive a response from any vendor, which provides further support that no other vendors are capable of providing these services other than Hill-Rom.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The proposed contractor is currently providing these maintenance services for several locations through the Department of Veterans Affairs. The prices for all those contracts have already gone through a fair and reasonable determination. We have a reasonable expectation that the prices received on this new contract will also be fair and reasonable.

A price analysis will be conducted comparing the contractor's quote to the Independent Government Estimate and by comparing the pricing to published prices for similar maintenance services.

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 by issuing a sources sought notice on GSA eBuy. An intent to sole source notice will be posted on FedBizOpps, which will include a copy of this J&A.

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:

Hill-Rom, Inc.
1069 State Rte 46 E
Batesville, IN 47006
DUNS: 004245668

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:

The equipment has already been purchased, so there are not any efforts that can be performed by the VA to overcome the barriers preventing competition of the maintenance services unless Hill-Rom begins to allow third parties to provide the maintenance services. When future hospital beds are procured, the sole source environment of the maintenance services will be an element in the determination of whether it is in the Government's best interest to purchase the beds from Hill-Rom.

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.

William W.
Smart 327710

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William Smart
HVAC Mechanic, Engineering Service

13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.

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

MARK J.
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Mark J. Mikus
Contracting Officer