

LIMITED SOURCES JUSTIFICATION

ORDER >\$150,000

FAR PART 8.405-6

Acquisition Plan Action ID: VA69D-16-AP-5106

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: CareFusion 211, Inc.

Manufacturer/Contractor POC & phone number: Jay Weatherford 714-283-2228 x7460

Mfgr/Contractor Address: 22745 Savi Ranch Parkway in Yorba Linda, CA 92887

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

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs NCO 12

Great Lakes Acquisition Center

Milwaukee, WI 53214

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

This action is for the approval of a FSS sole source delivery order using urgent and compelling procedures IAW FAR 8.

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

The Pulmonary Function Lab is requesting pulmonary function equipment to be used for the diagnosis and monitoring of lung disease in the outpatient and hospital setting. The equipment requested includes a Masterscreen Body Plethysmography/Diffusion (MBPD), cardiopulmonary exercise (CPE) and six minute walk test (6 MWT) equipment. The equipment will include a computer with cart, software, and dosimeter for the MBPD. It will include a computer with cart, software, stationary ergo-magnetically braked bicycle and treadmill for the CPE array. And it will also include tablets and software, finger, ear, and reflective pulse oximetry capabilities for the 6MWT. All requested equipment will have Sentry Suite capabilities to allow for the equipment to be networked and communicate between systems and CPRS-GUI.

(b) ESTIMATED DOLLAR VALUE: \$341,033.61

(c) REQUIRED DELIVERY DATE: 30 Days ARO

(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.

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.

There are three CareFusion Pulmonary Function Test (PFT) booths currently in the PFT Lab at the Jesse Brown VA Medical Center. They are used in testing, the gathering of data, and the monitoring of lung function which all allow for the diagnosis and continuing of patient care that has a direct and extremely high impact on the veterans that need this monitoring/testing. One of these booths is completely inoperable. One of the remaining two booths, due to the increase workload from the first booth failing, has begun to visibly wear and has broken down periodically but now at a higher and higher frequency, and is anticipated to be completely inoperable in the very near future. The third is likely to follow soon after that. While the equipment is not functioning properly, patient care delays will continue to occur which can lead to worsening morbidity and the potential to miss windows for therapy or treatment that could save lives (e.g. surgery to remove a lung cancer before it has spread). The immediate purchase of a new system is critical as these delays will only get worse, and the impact will only become greater, as the second and third booth fast approach their end of life date. In addition, smaller pieces of the current system (printers especially) have failed which means the system as whole cannot communicate and share/process data as a whole nor as intended. Caregivers have to manually enter and share data which greatly increases the risk of error and loss of data which could have an extremely negative impact on patient care given the importance of this data. Due to the age of the equipment and some portions being no longer supported (e.g. current software uses Microsoft XP which is no longer supported), basic repairs of non-functioning elements are no longer possible and a new system is required.

(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:

One of the booths has failed, a second is clearly failing, and the third is likely close behind. The intent of the three booths, and system as a whole, is to be able to electronically communicate with each other to share, store, and process the data that is collected during the patient's care in order to diagnosis and properly care for the veteran. Since the current equipment can no longer be properly supported, a new system is required. CareFusion is the sole manufacturer and distributor of this equipment. The required system is a direct replacement of the existing system, but a newer model. A direct replacement requires minimal training. If a different system were purchased, it would necessitate an overhaul in facility equipment, training, processes, and SOPs which would be extensive and costly. Furthermore, unfamiliarity would also increase the risk for errors. The suggested equipment is available through the VA NAC Contractor Database, which is a mandatory source for medical equipment, from CareFusion (V797P-4287B). IAW FAR 8 schedule items under FSS contracts have already been determined to be fair and reasonable. This equipment is known to fully meet the minimum needs of the Government and due to the urgency of this situation it has been determined that following FAR 8 procedures would result in unacceptable delays.

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

The IGCE for this acquisition (Est. \$341,000) dictates applicability of the Non-Manufacturer Rule; however, the NAICS code selected (339112 – Surgical and Medical Instrument Manufacturing) does not produce a class waiver. Therefore, a small business set-aside will not be sought, including set-asides for Veteran-Owned Small Businesses (VOSBs) and Service-Disabled-Veteran-Owned Small Businesses (SDVOSBs). The suggested equipment is readily available from CareFusion IAW their VA NAC contract (V797P-4287B) which is a mandatory source for medical equipment. Market research and the urgency of this request indicate CareFusion is the only available source that can fully meet the minimum needs of

