

## DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 600-16-4-114-0351

**1. Contracting Activity:**

Department of Veterans Affairs  
Network Contracting Office 22  
4811 Airport Plaza Drive Suite 600  
Long Beach, CA 90815

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

The VA San Diego Healthcare System (VASDHS) Anesthesia Service & Center for Pain Medicine Department has a requirement to acquire six (6) anesthesia Machines and operating components. The department received the new anesthesia record keeper (ARK) system this past May. None of the current Anesthesia machines are compatible with the new system. All of the current machines are nearing the end of shelf life or have exceeded their replacement window. Seven (7) Anesthesia Machines currently in use have surpassed the replacement date. The replacement window for these Anesthesia Machines ranged from October 26, 2010 to June 26, 2013.

Use of ARK incompatible anesthesia machines will limit the services being provided to our veterans. The VASDHS Anesthesia Service & Center for Pain Medicine Department has acquired nine (9) Anesthesia Machines that are now compatible with the ARK system. These nine (9) anesthesia machines replaced the end of life anesthesia machines. In order for the department to be considered fully functional and for the offsite locations to be considered up to date, an additional six (6) machines will be required.

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

- a. Six (6) Brand new GE Healthcare-brand Aisys CS2 Anesthesia System & equipment manufactured by General Electric (GE) are required. The GE Aisys CS2 is a state of the art machine that utilizes digital and electronic vaporization with alarm capabilities when the amount of volatile agent in the cassette reaches a low level. Digital vaporization allows for precise documentation of the amount of volatile agent that is administered to the patient. The low volume alarm is critical to ensure that the patient receives the anesthetic; this minimizes the potential for patient awareness during anesthesia and surgery. The GE Aisys CS2 has a low total volume which reduces the time lag between changes in the anesthetic concentration implemented by the provider and the amount that is delivered to the patient. A single "Pause Gas" button is significantly valuable because it reduces contamination of the operating room environment with waste anesthetic gases. The anesthesia machine ventilator is sophisticated and includes all modes of ventilation. Importantly, the display utilizes waveform colors that distinguish breaths that the patient takes or initiates with those that are delivered by the ventilator and allows for ARK integration. The provider is therefore quickly informed about the patient's ventilation status.

- b. Estimated DOLLAR VALUE: \$435,167.82
- c. Required Delivery Date: September 30, 2016  
Currently, TrillaMed LLC., is an authorized distributor for GE and is a certified Service Disabled Veteran Owned Small Business (SDVOSB) in the [www.vetbiz.gov](http://www.vetbiz.gov) database. In addition, TrillaMed LLC., has been a model SDVOSB and has provided these identical supplies under existing contracts with various VAMCs and has established that in addition to providing the supplies being requested, it has the capabilities to provide installation, service & training included and subcontracted via GE Healthcare.

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

- ☐ (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;

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

***Authorized or Required by Statute (FAR 6.302-5):***

FAR Part 6.302-5 allows for the procurement of items through other than full and open competition; when a statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source, or the agency's need is for a brand name commercial for authorized resale. The vendor, TrillaMed LLC., is a SDVOSB and is certified by Vetbiz.gov.

The statute identified under Public law 109-461 Title 38 Veteran's Benefits U.S. Code 8127 allows sole source contracts above the simplified acquisition threshold to be awarded to a small business concern owned and controlled by veterans using procedures other than competitive procedures so as long as the following are met:

1. Such concern is determined to be a responsible source with respect to performance of such contract opportunity;
2. The anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act ( 41 U.S.C. 403) but will not exceed \$5,000,000;
3. In the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

Currently, TrillaMed LLC., is an authorized distributor for GE and is a certified Service Disabled Veteran Owned Small Business (SDVOSB) in the [www.vetbiz.gov](http://www.vetbiz.gov) database. In addition, TrillaMed LLC., has been a model SDVOSB and has provided these identical supplies under existing contracts with various VAMCs and has established that in addition to providing the supplies being requested,

it has the capabilities to provide installation, service & training included and subcontracted via GE Healthcare. At a cost of \$435,167.82, though the amount is over the Simplified acquisition Threshold, it does not exceed the \$5,000,000 as defined by the Office of Federal Procurement Policy Act (41 U.S.C. 403). Lastly, a 31.56 % discount, TrillaMed LLC., provides the best value to the government with a savings of \$200,672.46. In addition, comparison of the proposed price with prices found reasonable on previous purchases and comparison to an independent Government estimate. By meeting all three (3) requirements IAW the statute identified under Public law 109-461 Title 38 Veteran's Benefits U.S. Code 8127, this procurement meets the requirement of FAR part 6.302-5..

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

The anticipated price will be fair and reasonable based on a 31.56 % discount, TrillaMed LLC., provides the best value to the government with a savings of \$200,672.46. In addition, comparison of the proposed price with prices found reasonable on previous purchases and comparison to an independent Government estimate.

**7. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

Market Research was conducted under a previous competition under a small business set aside and TrillaMed LLC., was the only SDVOSB that provided a response. Pursuant to Public law 109-461 Title 38 Veteran's Benefits U.S. Code 8127(d), there is no reasonable expectation to receive 2 more quotes from soliciting this procurement as an SDVOSB set aside

**8. Any Other Facts Supporting the Use of Other than Full and Open Competition:**  
N/A

**9. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**  
N/A

**10. 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:**  
N/A

**11. 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.

  
Name: Linda DeKoster

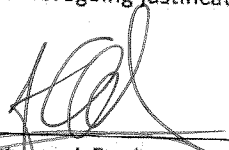
Title: Administrative Officer, Anesthesia-VHA  
Facility: VA San Diego Healthcare system

August 4, 2016  
Date

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

**a. Contracting Officer or Designee's Certification (required):**

I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

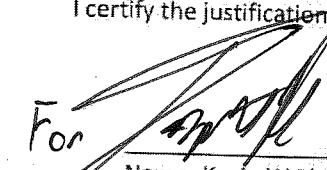
  
Name: Arteaga A Fredy

Title: Contracting Officer  
Facility: Network Contracting Office VISN 22

August 4, 2016  
Date

**b. Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):**

I certify the justification meets requirements for other than full and open competition.

For   
Name: Kevin W Blanchard  
NCO 22 Director of Contracting  
Facility: Network Contracting Office VISN 22

August 4, 2016  
Date