

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID: VA261-16-AP-5428**

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 21, Network Contracting Office (NCO) 21, 3230 Peacekeeper Way, Building 209 McClellan Park, CA 95652. Purchase Request 612-16-3-145-0197 and the Acquisition Plan Number is VA261-16-AP-5428.
- 2. Nature and/or Description of the Action Being Processed:** The Department of Veterans Affairs proposes to enter into a contract on the basis of other than full and open competition for the installation, integration, warranty and service for Steris Ceiling Booms. This is a new contract and the contract type will be firm fixed price.
- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** The VA Northern California Healthcare System (VANCHCS), 10535 Hospital Way, Mather CA 95655 has a need for professional services for the installation, integration, warranty and service of STERIS Ceiling Booms and integration equipment for the activation eight new procedure rooms for the GI Building at the Mather Campus (See Attachment # 1 – Item & Service List for additional information). The Period of Performance is September 1, 2016 to February 28, 2017 with a total contract value of \$245,372.64.
- 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;
- 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 authority cited in Section 4 is being used because only one responsible source, Buffalo Supply Inc., has demonstrated interest and the requisite capabilities to successfully accomplish all task required in the statement of work. Buffalo Supply, Inc. is uniquely positioned as the sole small business distributor for STERIS Equipment/ Integration Systems to federal government customers, which restricts the VA's ability to compete this requirement (Attachment #2 Steris Sole Source Distributor Letter).
- 6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

A Sources Sought Synopsis under VA261-16-Q-0825 was issued on July 13, 2016 with a response date of July 18, 2016 to the Federal Business Opportunities Website (fbo.gov). Included in this announcement was the draft statement of work and a complete list of the items needing installation, integration, warranty and service. This request also includes a list of informational

deliverables from interested contractors that would be used to determine whether or not they are a *viable* source to satisfy the governments requirements (See Attached P02 – Sources Sought Notice VA261-16-Q-0825).

By the response due date of July 18, 2016 there were no responses by viable sources.

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

The Contracting Officer has determined that the anticipated price will be determined to be fair and reasonable by comparing the price history from previous contracts for this service, readily available public resources and the recommendations of the VA Technical representative(s). A Price Negotiation Memorandum (PNM) will detail how the Government has determined that the anticipated cost will be fair and reasonable. As this item has been determined commercial, cost and pricing data will not be required. Price techniques such as those described in FAR 15.404(b)(2), will be used to establish price fairness and reasonableness.

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

As described in Section 6 above, market research, in accordance with FAR Part 10 was conducted by the sources sought synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties. In addition, a search of the Small Business Dynamic Search Portal resulted in a lack of amply qualified small business when more in depth research was conducted on the businesses websites.

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

Considering the information gathered through market research, the VA has determined no other source is willing and capable of providing the needed services. To ensure the medical facility does not experience delays and diminished services in activating the eight new procedure rooms, the VA intends to solicit on a sole basis from Buffalo Supply Company, Inc.

Any supporting data that is the responsibility of technical or requirements personnel (*e.g.*, verifying the Government's minimum needs or requirements or other rationale for limited sources) and which form a basis for the justification have been certified as complete and accurate by the technical or requirements personnel. The evidence for this is the "Technical Data to Support a Restricted Competition" shall be included in the contract file.

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

1. <b>Buffalo Supply Inc.</b> – Verified Provider STERIS Equipment and Service
2. <b>OCS Construction Services</b> – Did not provided information requested in FBO Sources Sought Notice. Email reply was sent of Contractor on 7/14/16 requesting missing information, but the Contractor did not reply by the Sources Sought closing.

**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:**

A notification will be issued that advises that the Government intends to procure via sole source. If this requirement occurs in the future, the VA will conduct market research in accordance with FAR 10 in order to determine whether or not the sole distributor agreement between Buffalo Supply Inc. and STERIS is in full effect.

**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.

**Kellom,  
Tocher**

Digitally signed by Kellom, Tocher  
DN: dc=gov, dc=va, ou=Entities,  
ou=InternalStaff, cn=Kellom, Tocher  
Date: 2016.08.02 13:49:56 -07'00'

8/2/16

Name: Tocher Kellom  
Title: Chief Biomedical Engineer, VHA  
Facility: VA Northern California Healthcare System

Date

**13. 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.

**Denard M.  
Fobbs 642263**

Digitally signed by Denard M. Fobbs  
642263  
DN: dc=gov, dc=va, o=internal,  
ou=people,  
0.9.2342.19200300.100.1.1=denard.fobbs  
@va.gov, cn=Denard M. Fobbs 642263  
Date: 2016.08.02 13:55:15 -07'00'

8/2/2016

Name: Denard M Fobbs Jr  
Title: Contract Officer  
Facility: Network Contracting Office VISN 21

Date

b. **Director of Contracting /Designee (Required \$150K and above)**: I certify the justification meets requirements for other than full and open competition.

8/2/16

\_\_\_\_\_  
Name: Beverly Quevedo  
Branch Chief, Services Team II  
Facility: Network Contracting Office VISN 21

\_\_\_\_\_  
Date