

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval (J&A)**

**For**

**Other Than Full and Open Competition (>\$150K)**

Acquisition Plan Action ID: VA246-16-AP-10611

1. **Contracting Activity:** Department of Veterans Affairs Network Contracting Office 6 (NCO 6), on behalf of VISN 6 Kernersville Health Care Center (HCC), intends to procure Brand Name Olympus Evis Exera III endoscopes (Purchase Request 659-16-4-048-0089)

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

This Justification is for Brand Name Only authority to procure through a competitive acquisition the equipment noted in paragraph 1, and will be conducted in accordance with FAR Subpart 13.5 Simplified Procedures 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:**

Brand Name Olympus Evis Exera III endoscopes manufactured by Olympus America Incorporated are being requested. Olympus brand endoscopes are currently in use at the Kernersville HCC, located at 1695 Kernersville Medical Parkway, Kernersville, North Carolina 27284. New product is required to address increased patient workload, and must be compatible with all existing equipment and supplies used in gastric endoscopy procedures. The estimated value of the procurement is Sources have been identified through market research that can meet the requirement; therefore, competition will not be fully limited by restricting the procurement to Brand Name Only.

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;

The authority for applying the procedures of FAR 13.5 is 41 U.S.C. 1901, 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):** This acquisition limits competition to a brand name description specific to one manufacturer. It is essential to the Government's requirement to procure brand name product to ensure complete compatibility with all existing equipment and supplies at the Kernersville HCC in direct support of gastric endoscopic patient care. Introducing new product would require modification of nursing competencies and Biomedical engineering training procedures.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable.** A Sources Sought Notice (VA246-16-Q-1302) was published at FBO.gov on August 4, 2016 through August 12, 2016, requesting capability of sources to provide the Brand Name product stated above. Two Service-Disabled Veteran-Owned Small Business (SDVOSB) concerns and one Small Business concern responded to the notice, each stating their business size and capability. Additionally, due diligence supports the use of an SDVOSB set-aside for this acquisition as the two

SDVOSB sources are actively certified through VetBiz.gov. While the "Rule of Two" is met with these responses, it is reasonable to presume that other SDVOSBs are able to meet the requirement as well.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost for this procurement will be considered fair and reasonable based on the availability of competition. All offers will further be evaluated after solicitation against historical procurements of similar nature to ensure the Government receives the required product at 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 in the form of Internet, FBO, and FPDS searches, as well as the previously mentioned Sources Sought Notice.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**  
There are no other facts to support the use of Other than Full and Open Competition other than those previously stated above.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**  
a2z Supply Corporation/SDVOSB  
Alliant Enterprises LLC/SDVOSB  
PROAIM Americas LLC/Small Business
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:**  
No actions are known that may be taken at this time as this acquisition is intended to be competed as an SDVOSB set-aside under a Brand Name Only justification.

Redacted copy. DJH 8-18-16