

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA251-16-AP-4462

1. **Contracting Activity:** Department of Veterans Affairs, VISN 10, Ann Arbor VA Healthcare System (2237: 506-16-3-522-0274).
2. **Nature and/or Description of the Action Being Processed:** FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for a new Firm-Fixed Price Purchase order Brand Name Only, B. Braun Central Reverse-Osmosis Water Filtration System in accordance with FAR 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:** The current water purification system from US Filter was purchased in 1999 and will see its end of life December 2017. In order for the Nephrology department to continue treatments, they must have a supported and compliant replacement system. The B. Braun Central Reverse-Osmosis Water Filtration System interfaces with the departments plumbing system and the system be ANSI/AAMI/ISO 11663 certified/compliant and capable delivering at least 5 gal/minute of RO water continuously while supplying a total of seventeen (17) water outlet connections with the following specification.
 - Twelve (12) dialysis stations with up to 12 hours of continuous operation
 - Four (4) additional connections for an adjoining dialysis preparation room
 - and one (1) connection to a repair room
 - All RO hardware must fit inside the designated RO room which is approximately ten feet (10') high, with a width and length of twelve feet (12') by eight feet (8')
 - Loop disinfection method avoids using chemicals for routine (i.e. weekly/monthly) cleaning for cost savings, lesser environmental impact, and lesser risk to patients using chemical cleaning agents
 - Two or more RO stages to approach ultrapure fluid quality or equivalent quality
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;

***BRAND NAME ONLY JUSTIFICATION - 11.105 (a) (1) Items Peculiar to One Manufacturer.** The particular brand name, product, or feature is essential to the Government's requirements, and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, to meet the agency's needs.

FAR13.5 Simplified Procedures for Certain Commercial Items: *The authority for applying the Simplified Procedures for Commercial Items 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 manufacturer has the only equipment compatible with the existing plumbing as well as the 400 square foot space available. Additionally, this system does not utilize chemicals to treat the water but rather heat disinfection. Risk, time and additional expenses are incurred for the chemically treated systems. The B. Braun system offers a dual fully integrated heat system which eliminates the need for D.I. Accordingly, the B. Braun water filtration system, as described in Section III above, is the only brand capable of providing this requirement without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Although the mandatory contract is not being utilized to procure the water treatment system required, competition is being incorporated to the maximum extent practicable.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer will determine the price fair and reasonable based on competition and the use of the Independent Government Cost Estimate.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research conducted this equipment was on National Mandatory Contract VA119-15-D-0005 from Mar Cor. VHA National Contract Request for Waiver was approved by VHA Chief Procurement and Logistics Officer. Other Federal Supply Schedules were reviewed for the equipment. There are no SDVOSBs available with the contract on schedule but there are SDVOSB distributors in the open market with the B. Braun reverse osmosis treatment required available.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The VA Ann Arbor Healthcare will be installing this equipment in a room already compatible with the B. Braun plumbing and electrical.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Marathon Medical and Trillamed (both SDVOSB).

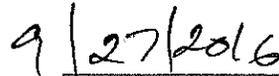
Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

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:** Market research will be conducted in the future if any additional equipment is needed and ensure that competition is leveraged to the maximum extent practicable.

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.



PRADAD S. MANDA
Chief, Biomed Engineer
VA Ann Arbor Healthcare System



Date

13. **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.

9-27-2016

DIANA J. BURTON
Contracting Officer, Network Contracting Office 10
Battle Creek VA Medical Center

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.

JAMES J. HALLOCK
Supervisory Contract Specialist, Network Contracting Office 10
Indianapolis VA Medical Center

Date