

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval (J&A) For Other Than Full and Open Competition

**1. Contracting Activity:**

Department of Veterans Affairs, Network Contracting Office 20. This procurement is for Portland VA Medical Center - PR# 648-17-1-9961-0014.

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

This will be a Firm-Fixed Price contract, for new equipment to support patients at the Portland VAMC.

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

This is a request for Stimpod NMS 450 Nerve Stimulators for use for patients under anesthesia. Total estimated value for this procurement is \$35,618.00. The customer has provided a suggested vendor for this product: Atlanta Top Billing. This type of nerve stimulator is used exclusively in anesthesia applications.

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

Title 38 U.S.C. 8127 (b) provide the authority for Department of Veterans Affairs (VA) Contracting Officers (COs) to make awards to service-disabled Veteran-owned small business (SDVOSB) and Veteran-owned small business (VOSB) firms using other than full and open competition when certain conditions are met. In addition, VA PPM (July 25, 2016) –Class Deviation 819.7007 allows the CO to award to an SDVOSB on a sole source basis:

- ☐ (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):**

FAR Part 6.302-5(b)(6), allows for sole source awards to Service Disabled Veteran Owned Small Business(SDVOSB)s. There was only one SDVOSB who could provide this item from the manufacturer as an authorized reseller. So, as authorized by statute, FAR and the VAAR, this will be a sole source award to Atlanta Top Billings (a VETBIZ registered SDVOSB).

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

There were no additional SDVOSB/VOSB vendors who could supply the nerve stimulator required by the customer.

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

IAW VA PPM Class Deviation 819.7007(a)(4), when making a sole source award the pricing must be made at a fair and reasonable price. As per FAR Part 13.106-3(a)(2)(ii), the pricing provided by Atlanta is considered fair and reasonable by a comparison of historical pricing. In addition, price reasonableness is further strengthened by the comparison of the price offered by the Bell Medical's (small business) quote and discounts offered by Atlanta.

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

As required by FAR Part 10, market research was conducted to look at all SDVOSB/VOSB opportunities within on schedule and there were none that could provide for this specialized item. I sent a Request for Information to GSA SDVOSB/VOSB vendors under SIN A-72 (Stimulators) but I received no response. The manufacturer provided one SDVOSB that could provide these items.

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

None.

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

None.

**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 were taken to overcome barriers.

**12. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP](#).**

**Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

X

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CONTRACTING OFFICER