

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA263-17-AP-1814

1. **Contracting Activity:** Department of Veterans Affairs, NCO 23, St. Cloud VA Health Care System, 4801 Veterans Drive St. Cloud, MN 56303. Organization Activity: Minneapolis VA Health Care System, One Veterans Drive Minneapolis, MN 55417, 618-17-1-040-0019. This is a Brand Name Only justification for other than full and open competition.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for a brand name only firm fixed price purchase order for a Penatx Medical stroboscopy unit for the Minneapolis VA Health Care System (MVAHCS) speech unit for the diagnosis of problems with vocal cords and speech impairments 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:** MVAHCS has a need for a Pentax Medical stroboscopy unit, which uses an endoscope to view the inside of the patient's throat and watch the vibrations. As the patient talks their vocal cords rapidly vibrate and by timing the strobe light to the vibration frequency, it can make the rapid vibrations appear either slowed or even stopped. The findings can be used to diagnose diseases and voice disorders. The unit contains everything needed for use in stroboscopy including a strobe/halogen light source, camera and processor, video capture system, long term storage of captured images, a physical cart and a computer display.

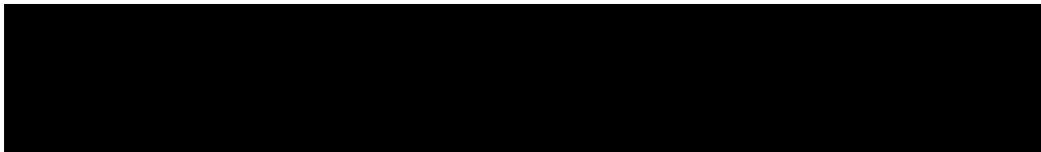
4. **Statutory Authority Permitting Other than Full and Open Competition:** The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 1901 as implemented by the Federal Acquisition Regulation (FAR) 13.106-1(b)(2).
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The MVAHCS requires a Penatx Medical stroboscopy unit for the diagnosis of problems with vocal cords and speech impairments. This unit must interface with the MVAHCS' current Pentax rhinolaryngeal stroboscopes, EPK-i5010 video processor and 9310HD Digital Video Capture System. Market research has determined that only Pentax Medical stroboscopy units are compatible with the current MVAHCS equipment and system, thereby precluding consideration of a product manufactured by another company. As there are two or more SDVOSB vendors that can provide the stroboscopy unit, a brand name only solicitation will be issued to promote competition between the vendors.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research was conducted to determine what options are available for Pentax Medical stroboscopy units. Market research from a previous solicitation identified four SDVOSB vendors that may be able to provide the items. As there are two or more SDVOSB vendors that can provide the items, a brand name only solicitation will be issued to promote competition.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Price will be determined fair and reasonable through competition as this will be a brand name only solicitation through FBO.
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 to determine what vendors can provide the required Pentax items in the market place. VetBiz was searched for NAICS code 334510 which produced 93 results. GSA was searched and these items are not available on contract. FBO was searched and found a Pentax solicitation issued in FY16 and identified 4 SDVOSB's who expressed interest in the solicitation. Based on these results and Acq Flash 16-20 this brand name only solicitation will be issued as a SDVOSB set-aside through FBO.
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:** Market research will be conducted if future procurements are needed to determine if there are other manufactures' products that are compatible with the existing MVHCS equipment.
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.
(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)



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.



- 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.



Division Chief – NCO 23