

DEPARTMENT OF VETERANS AFFAIRS

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

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, Palo Alto Health Care System.
2. **Nature and/or Description of the Action Being Processed:** We will be establishing a firm fixed price contract for preventative maintenance of Steris Sterilizer equipment.

FAR13.5 Test Program: This procurement is in accordance with FAR 13.5 Test Program 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:** This contract will be for preventative maintenance of Steris Sterilizer equipment. The estimated amount for the base year plus four option years is \$377,988.84.
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;

FAR13.5 Test Program: The authority for applying the Commercial Test Program of FAR 13.5 is (Section 4202 of the Clinger-Cohen Act of 1996) 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):

Steris Corporation restricts the selling and distribution of its parts for its sterilizers and washers. Other companies do not have access to buy these replacement parts to perform the necessary maintenance checks and repairs. Only the manufacturer's parts can be used in order for the device to maintain its FDA clearance. This equipment also requires specialized training that and the manufacturer's engineers are the only individuals that can receive this training. As a result, Steris Corporation is the only qualified vendor.

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

The Vendor Information Page database was searched on the VetBiz website to see if there was any potential Veteran owned companies that could provide this service. The search results only confirmed that no Veteran companies were able to provide these services.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: As a result of these services only being available from the manufacturer, the Government is at a disadvantage on pricing terms because we are not in a position to compare competitive quotes.

The quote from Steris Corporation will be evaluated using other price evaluation techniques in FAR Part 13 to determine if the price is fair is reasonable. For example, the hourly wages can be compared to the prevailing wage of the service area to determine of the overhead and profit rates are reasonable.

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 through a search of the VetBiz database to verify that the rule of two for a Veteran owned set aside did not apply. The search results confirmed that Steris Corporation is the only capable vendor.

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:

Steris Corporation
5960 Heisley Rd
Mentor, OH 44060

- 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:** These services are only available from the manufacturer. The equipment has already been purchased and required ongoing maintenance, so there are not any actions that the Government could take to overcome this barrier to competition, other than purchase new equipment. The current equipment is fully operational and the cost of the purchase for the equipment has already taken place, so purchasing new equipment is not a cost feasible option at this time.
- 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.

Greg Chun
Biomedical Engineer

- 13. 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.

Mark J. Mikus
Contracting Officer