

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA263-17-AP-3894

1. **Contracting Activity:** Department of Veterans Affairs, NCO 23, St. Cloud VA Health Care System, 4801 Veterans Drive St. Cloud, MN 56303. Organizational activity; Omaha VA Health Care System, 4101 Woolworth Ave, Omaha, NE 68105, 636-17-1-1963-0062. This is a Brand Name Only justification for a competitive acquisition.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for a firm-fixed price purchase order for Olympus America Inc Brand Name Only equipment for the Omaha VA Health Care 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:** This procurement is for Olympus equipment, video ultrasound bronchoscope, radial EBUS sensor, ultrasound processor, and printer to do ultrasound bronchoscopy procedures related to obtaining tissue samples to identify malignant tumors. The system provides high quality interbronchial ultrasound images in order to identify enlarged lymph nodes for biopsy for proper cancer staging.

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4. **Statutory Authority Permitting Other than Full and Open Competition:** 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 is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The Omaha VA Health Care System requires Olympus equipment (video ultrasound bronchoscope, radial EBUS sensor, ultrasound processor, and printer et..) that is compatible with their current Olympus bronchoscopy system. The Omaha VA currently has an Olympus EVIS Exera II CV-180 Image Source processor, Olympus EVIS Exera II CLV-180 Light source and Olympus OEP-4 printer. The above equipment needs to be Olympus brand as no other manufactures' equipment is compatible with the current Olympus system utilized at the Omaha VA.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** As this will be a Brand Name Only solicitation, market research was conducted by contacting Olympus (the manufacturer) to determine if there are authorized distributors that could provide the required items. It was identified that there are 2 SDVOSB authorized distributors. With a nonmanufacturer waiver, this solicitation will be posted to FBO as a SDVSOB set-aside so that quotes can be received from those companies.
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 comparing quotes received

from the solicitation and market research such as, but not limited to, reviewing past purchases, list pricing and comparable items.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research included a combination of examination of acquisition history, GSA Advantage and telephone conversations with Olympus America Inc to determine availability of other brands of scopes and equipment that could be used interchangeably with the Olympus light source, printer, and processor equipment currently in use. The result of the research determined that there is no other brand of scoped and equipment that is compatible with the current Omaha VA's Olympus system. Verification with Olympus determined that the equipment is available through the open market from Olympus America Inc, a large business, and 3 authorized small business distributors. 2 of the authorized vendors were verified as SDVOSBs through VetBiz.
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 for future procurements to determine if there are any other manufactures' products that are compatible with the existing Omaha VA's 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.



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.

