

Attachment 3: Brand Name Only Justification >\$150K

DEPARTMENT OF VETERANS AFFAIRS
Brand Name Justification and Approval (J&A)
For
Zoll Automated External Defibrillators

Acquisition Plan Action ID: VA259-17-AP-3284

- Contracting Activity:** Department of Veterans Affairs, VISN 19, Network Contracting Office 19 (NCO19) in support of the Eastern Colorado Health Care System Medical Center.
- Nature and/or Description of the Action Being Processed:** *The proposed action is to justify NCO19 an open market, Brand Name Only combined synopsis/solicitation on FedBizOpps for the outfitting of automated external defibrillators (AEDs) at the VA Medical Center on 1700 N Wheeling Street, Aurora, CO 80045.*

FAR13.5 Simplified Procedures for Certain Commercial Items: *This procurement is for a new firm-fixed-priced order of Zoll's (brand name) automated external defibrillators (AEDs), the semi-automatic AED Plus, in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements (including brand name), 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.*

- Description of Supplies/Services Required to Meet the Agency's Needs:** *The total estimated value of this acquisition is \$200,000.00, with an estimated delivery date of February 22nd, 2017. The U.S. Department of Veterans Affairs, Network Contracting Office 19 (NCO 19) Rocky Mountain Acquisition Center (RMAC) intends on procuring;*

Brand Name Description	Part Number	Quantity (each)
<i>Surface Wall Mounting Box for ZOLL AED Plus</i>	<i>8000-0817</i>	<i>39</i>
<i>Zoll Semi-Automatic AED Plus</i>	<i>21000010102011010</i>	<i>48</i>
<i>Zoll AutoPulse System with Pass Thru</i>	<i>8700-0730-01</i>	<i>8</i>
<i>AED Plus Trainer2</i>	<i>8008-0050-01</i>	<i>6</i>
<i>Zoll AutoPulse Training System</i>	<i>8700-000764-01</i>	<i>1</i>
<i>Type 123 Lithium Batteries 10pk w/storage sleeve</i>	<i>8000-0807-01</i>	<i>48</i>
<i>AutoPulse Li-ion Battery</i>	<i>8700-0752-01</i>	<i>24</i>
<i>AutoPulse SurePower Charger,</i>	<i>8700-0753-01</i>	<i>8</i>

- Statutory Authority Permitting a Brand Name Only Acquisition:**

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).*

- Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** *In March of 2016, the Denver VA Medical center reviewed their defibrillators and determined that the units had exceeded their expected lifespan and no longer complied with the VA's CPR feedback requirements. In the interest of patient safety, the Critical Care Committee concluded there was a need for the medical center to update their fleet of defibrillators with new units. Among other technical and FDA requirements, the new units needed to have CPR feedback built into the device due to CPR metrics having to be collected and analyzed for VISN oversight, OIG, and TJC monitoring.*

With a set of defined requirements, a purchase request was sent to the NCO19 for the acquisition of fifty-two (52) defibrillator units and eight (8) training units to replace all of the existing defibrillators at the hospital. Using competitive procedures defined by the FAR, an award was made in July of 2016 for the purchase of ZOLL R-Series Defibrillators. The Zoll defibrillators that were purchased have since been supplied to the Denver VA Medical Center, along with staff training on using and maintaining the new systems.

As the Denver VA Medical Center prepares for transitioning into the new VA Medical Center being built in Aurora, Colorado, the transition team has determined the need to start equipping the new facility with AEDs. The AED electrodes must be compatible with the existing Zoll Defibrillators for cases where transfer of cardiac care is transitioned from AED to Defibrillator. These Zoll AEDs are designed to automatically recognize when electrodes are connected and automatically proceeds with a pediatric ECG and adjusts energy to pediatric levels. Contracting has determined that the Zoll AEDs are the only devices compatible with the Zoll defibrillators.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Internet research, phone calls, and email requests were sent to a variety of potential vendors, including Service Disabled Veteran-owned Small Business, to identify capable vendors with the results detailed below in section 8.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The final contract price will be fair and reasonable by a comparison of competitive offers that meet the name-brand requirements. Additional market research will be utilized to compare the prices offered to those previously found fair and reasonable for the procurement of the same or similar AEDs.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research, which included a search of the Vendor Information Pages (VIP) database and GSA Advantage, gave indication that the Rule of Two In accordance with (IAW) 38 U.S.C. 8127(d) would be met by soliciting Service Disabled Veteran-owned small business (SDVOSB) GSA contract holders. IAW Public Law 109-461, Sec. 8127, The contracting officer had a reasonable expectation that two or more small business concerns owned and controlled by veterans could meet the requirements of the purchase request at a fair and reasonable price.

The AED purchase requirements were listed on a brand name or equal request for quote (RFQ) that was posted January 18th, 2017 as a SDVOSB set-aside on GSA eBuy. Two (2) Zoll's authorized SDVOSB distributors responded with quotes; however due to the amount of items being quoted open market and the additional "no bids" citing the Zoll compatibility requirements, it is determined that this purchase must be competed on FedBizOpps as a Brand Name Only combined synopsis/solicitation, set aside for SDVOSBs .

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The Zoll AED Plus is required as the cardiac defibrillators currently in use at the Eastern Colorado Health Care System are Zoll R-Series defibrillators. The Zoll AED Plus is the only make of AEDs that are compatible with the Zoll Defibrillators. This make and model allows the clinicians to transition quickly and safely between AED and defibrillators. The approval of the procurement of the Zoll AED Plus will allow for continuity of care and reduce the risk to patient safety. If this request is not approved and a different Brand name is procured it would require the clinicians to change defibrillator pads prior to utilizing the existing Zoll Defibrillators.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

After Action Medical and Dental Supply, LLC
5231 State Road 144
Mooreville, IN 46158

Manus Medical, LLC
3420 Pump Road
Suite 348
Richmond, VA 23233

Veterans Healthcare Supply Solutions
13949 Alvarez Road Healthcare
Suite 300 Supply
Jacksonville, FL 32218

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:** *NCO19 acknowledges the importance of protecting the integrity of the procurement system and are committed to working in manner that promotes competition to the greatest extent practicable in order to compete requirements and overcome barriers to competition. NCO19 will work manner that promotes competition to greatest extent practicable to compete future requirements and overcome barriers to competition in future acquisitions. The VA has and will continue to meet with industry on a periodic basis for continued input and feedback on acquisition strategies. The Requesting Service will continue working with the Rocky Mountain Acquisition Center in conducting market research to identify opportunities to compete future requirements.*