

**LIMITED SOURCES JUSTIFICATION**

**ORDER >\$150,000**

**FAR PART 8.405-6**

**Acquisition Plan Action ID: VA69D-17-AP-2167**

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

**Restricted to the following source:** Provide original manufacturer's name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: Pentax of America, Inc.

Manufacturer/Contractor POC & phone number: 800-431-5880

Mfgr/Contractor Address: 3 Paragon Drive, Montvale, NJ 07645

Dealer/Rep address/phone number: Multiple

☐ The requested material or service represents the minimum requirements of the Government.

**(1) AGENCY AND CONTRACTING ACTIVITY:** Department of Veterans Affairs

**VISN:** 12

**(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:**

The Otolaryngology Section at the Edward Hines, Jr. VA Hospital is requesting a sole source award for a laryngeal strobe with videoprocessor and rigid and flexible arthroscopes to manufacturer, Pentax of America, Inc.

**(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:**

Pentax of America, Inc. laryngeal strobe with videoprocessor and rigid and flexible arthroscopes are required to serve Veterans in diagnosing, documenting, and treating patients with head and neck lesions including the larynx, pharynx, and nasal and oral cavities. This equipment is also needed for evaluating voice disorders and documenting functional deficits/disorders as well as visualizing physical lesions in assessing to help make treatment decisions.

**(b) ESTIMATED DOLLAR VALUE:** \$179,545.48

**(c) REQUIRED DELIVERY DATE:** ASAP

**(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.**

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- ☐ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.
- ☐ A patent, copyright or proprietary data limits competition. The proprietary data is:  
(If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)
- ☒ These are "direct replacements" parts/components for existing equipment.

Pentax of America, Inc. existing equipment (model numbers 9200C, 9100B, and 9212) are to be traded in for added value to the Government.

- ☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the
- ☐ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.
- ☒ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

The facility's current Pentax equipment has broken down and is unrepairable. The inoperable Pentax equipment contains hundreds of recorded Veteran throat examinations that ENT physicians are unable to view. These must be transferred to the new Pentax equipment as soon as possible. The new Pentax equipment is deemed an "urgent and compelling need" because it directly supports patient care and is used to treat head- and neck-cancer Veterans. This is vital and essential equipment which is used multiple times per day (five days per week) in the ENT clinic to visualize the nasal cavity, oral cavity, larynx and pharynx as part of physical exam to evaluate patients with various otolaryngology conditions and symptoms.

**(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:**

This purchase is in the best value of the Government because it directly affects patient care. Not only does having this equipment allow the staff to schedule more patients, but it also helps provide better patient care simply by having it available. The staff's familiarity to the Pentax of America, Inc. brand will also help provide an efficient transition to the new equipment, ultimately allowing them to be better attentive to patient care.

Further, in order maintain patient file continuity, the facility is requesting the Pentax of America, Inc. brand. It currently has over 10 years of patient (former and current) audio and image history files that need to be transferred via disc to the new equipment and continuity will not be possible if a different brand were used.

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Due to the criticality at this time, it is in the best interest of the Government to proceed with a sole source to Pentax via their NAC contract than it is to proceed requesting an individual class waiver through SBA to set-aside.

Price is determined to be fair and reasonable in accordance with FAR 8.404(d).

**(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:**

Market Research included a search on *GSA Advantage!*, the NAC MedSurg catalog, FPDS, and correspondence with the manufacturer, Pentax of America, Inc.

**(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:**

**(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:**

This requirement may generate competition due to the manufacturer's authorized distributors; however, because an urgent and compelling need exists, and in the interest of patient safety, a decision has been made to request limiting sources to the manufacturer itself, whose NAC contract has already been executed and deemed fair and reasonable.

**(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
NAME

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
SERVICE LINE/SECTION

\_\_\_\_\_  
FACILITY

**(10) APPROVALS IN ACCORDANCE WITH THE [VHAPM, Volume 6, Chapter VI: OFOC SOP](#):** *This part if filled out by Contracting Staff as part of the Justification*

**a. CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
CONTRACT SPECIALIST

\_\_\_\_\_  
DATE

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James R. Hedman – Contract Specialist  
NAME AND TITLE

NCO12  
FACILITY

\_\_\_\_\_  
CONTRACTING OFFICER/DESIGNEE'S SIGNATURE

\_\_\_\_\_  
DATE

Michael Rosenthal – Contracting Officer  
NAME AND TITLE

NCO12  
FACILITY

b. **Director of Contracting/DESIGNEE:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Alea Barnes  
NAME  
Designee – Product Line Supervisor