

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA255-17-AP-3268

1. Contracting Activity:

*Contracting Agency:SAO Central / NCO 15, Contracting
Department of Veterans Affairs, VISN 15,
Kansas City VA Medical Center
4801 E. Linwood Blvd
Kansas City MO. 64128-2226
2237: 589-17-2-1792-0101*

2. Nature and/or Description of the Action Being Processed:

This requirement is for the replacement of the current Ultrasound Bronchoscope System in accordance with FAR Part 13.5, Simplified Procedures for Certain Commercial Items. The current system is no longer supported by the manufacturer and parts are no longer available. This system enables a wide array of procedures to be performed to diagnoses and treat acute, malignant, or chronic situations in the airways and lungs. This action will result in a firm fixed price contract to obtain a replacement bronchoscope system plus additional scopes to meet the requirements of the facility.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

The VA Strategic Acquisition Center (SAC) has a mandatory leasing agreement that utilizes Olympus Bronchoscopes (VA119-15-A-0047) that is in the 2nd year of a 5 year agreement with Olympus. The replacement systems must be compatible with these scopes that are currently being leased through Olympus America Inc. The estimated costs associated with this requirement is \$424,072.32

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;

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

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As stated in section 2 and 3 above IAW FAR 6.302-1 this requirement is for "Brand Specific" items that must be compatible with the current Bronchoscopes being used in the facility. Accordingly, Olympus or one of its authorized Distributors is capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market Research dated March 9th 2017 for recent procurements at the St Louis VAMC, for Olympus Bronchoscopes has shown that the Bronchoscopes is proprietary and only authorized distributors of Olympus products can provide.

- a. ST Louis – Acquisition Plan, VA255-17-AP-2391
- b. Estimated Amount \$115,664.79

Based on the information above a RFQ will be posted to Federal Business Opportunities(FBO) seeking responses from all authorized distributors.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Based on recent procurements as cited above and other historical procurements noted in FPDS will be used to determine if pricing is considered fair and reasonable.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

As indicated in section 6 above, recent market research was completed for ST Louis VAMC with the following results;

- FBO – Sources Sought on FBO produced one (1) response from a SDVOSB
- GSA – Showed one Large Business (Olympus America Inc.)
- FPDS: Showed previous procurements for similar items all made through the SDVOSB or Olympus America Inc.
- Additional Sources Sought to small businesses received from NCO 15 small business Liaison, produced zero responses.

9. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

- ALLIANT ENTERPRISES LLC – SDVOSB
- OLYMPUS AMERICA INC.- LARGE BUSINESS - Manufacturer

10. **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)

DAVID H.
HARRIS 425864

Digitally signed by DAVID H. HARRIS 425864
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4/20/17

Name David H Harris, AO, MSSC

Date

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
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Title
Facility

11. 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 or Designee's Certification (required)**: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Larry M. Zaritz
184054

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04/20/2017

Name
Title
Facility

Date

- 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.

Anna M. WEISHAAR
347268

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Date

Name
NCO/PCO XX Director of Contracting or Designee
Facility