

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA263-17-AP-6768

1. **Contracting Activity:** Department of Veterans Affairs, NCO 23, Fargo, ND.
2. **Nature and/or Description of the Action Being Processed:** Brand Name set-aside for an open market solicitation for Philips Patient Monitoring equipment. Ultimately, I expect to issue a firm fixed price purchase order to fulfill the facility's needs. The estimated total cost of this requirement is \$639,069.00.

FAR13.5 Simplified Procedures for Certain Commercial Items: This is being conducted 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:** The Sioux Falls VA Health Care System is currently expanding its operating room and needs to expand their patient monitoring system into the expanded area. Additionally, in order to complete the expansion some of the existing infrastructure needs to be updated.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (x) (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 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).

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

The Sioux Falls VA Health Care System, through the use of competitive procedures has essentially standardized on Philips. The hospital currently has Philips patient monitors, Philips Anesthesia and Record Keeping System, and VISN 23's TeleICU system. In this instance, the facility needs additional patient monitors for the newly constructed OR. However, due to VA policy that all devices must

operate on Windows 7 or newer, in order to get install compliant devices an upgrade is needed to the central stations which enable all of the patient monitors and telemetry monitors communicate. Only Philips can provide the equipment and software to allow existing Philips monitors to communicate on the Philips system.

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

This procurement is going to be conducted as a brand name only for Philips but is in a NAICS code where the non-manufacturer rule is waived. It is estimated that the solicitation will receive competitive quotations from at least 2 Vetbiz verified SVSOBs.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

In accordance with FAR 13.106-3, prices will be determined fair and reasonable by comparing competitive quotations. However, if competitive prices are not received, the other methods at FAR 13.106-3(a)(2) will be used, FAR 13.106-3(a)(2)(ii) by comparing the proposed prices with prices previously found fair and 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 in accordance with Kingdomware. It was concluded that a solicitation 100% set-aside for SVOSBS is anticipated to receive multiple competitive quotes.

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:

NCO 23 will continuously monitor and reassess the market place. If ever a majority of the facility's monitoring assets are at the end of their lifecycle a competitive procurement will be conducted.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

- 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.

Troy Mergen
Chief Biomedical Engineer
Sioux Falls VA Health Care System

Date

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.

Jesse R. Rheault
Contracting Officer
NCO 23, Fargo Supply Team

Date

- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K)**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

5/16/2017

Scott Petrin
Branch Chief
NCO 23, Fargo Supply Team

Date