

Attachment A: Request for Limited Sources Memo Format

LIMITED SOURCES JUSTIFICATION
ORDER >\$3,000
FAR PART 8.405-6(a)(B); (b); & (c)

2237 Transaction # or Vista Equipment Transaction #: 646-12-3-622-0135

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: Mfr- Nellcor Puritan Bennett dba Covidien
Manufacturer/Contractor POC & phone number: Greg Sarachine 724-290-1019 or Mark Osterman at 800-346-7197 Ext 3912.
Mfgr/Contractor Address: 675 McDonnell Boulevard, Hazelwood, MO 63042
Dealer/Rep address/phone number: _____

☒ [X] The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

VISN:

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

Brand Name Only and Limited Source (Sole Source) Award.

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

Nellcor Puritan Bennett New 840 Ventilator (Part#4-840120EMC-02), with ancillary equipment and computer software options.

(b) ESTIMATED DOLLAR VALUE: \$36,900.52

(c) REQUIRED DELIVERY DATE: April 1, 2013

(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. (CHECK ALL THAT APPLY AND COMPLETE)

☒ 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.

In July 2009, the Acting Under Secretary for Health (USH), Veterans Health Administration, U.S. Department of Veterans Affairs approved the establishment of SimLEARN, a national simulation training, education, and research program for the Veterans Health Administration (VHA). Duplication of critical care ICU/ED equipment is essential for realistic learning environment, therefore, the equipment being purchased has to match to current equipment in use at the VA Pittsburgh Healthcare System, to provide the proper training environment.

Therefore for the above reasons, it is essential to the VA Pittsburgh Healthcare System, to purchase a Puritan Bennett 840 Ventilator with Respiratory Mechanics 840 Software Option.

Furthermore, the items must be purchased from Covidien, since they are the sole exclusive seller of these items.

☐ A patent, copyright or proprietary data limits competition. The proprietary data is:

☐ These are "direct replacements" parts/components for existing equipment.

☒ 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 new item/service must coordinate, connect, or interface with the existing system.

It is essential to the Government's needs that it purchase the above referenced equipment, since it has to be the same manufacturer make and model currently being used by the VA Pittsburgh Healthcare System, since per SimLEARN and current research, the use of matching clinical equipment in a simulation center increases the sense of realism and enhances learning.

☐ 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.

(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:

The quotes prices are off Nellcor Puritan Bennett/Covidien's VA Federal Supply Schedule Contract#V797P-2071D. Per FAR 8.404 (d), GSA has already determined the prices of supplies under schedule contracts to be fair and reasonable, and that by placing Orders off Schedule Contracts, using procedures at FAR 8.405, the ordering activity has concluded that the Order represents the best value and results in the lowest overall cost.

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

NA (Sole Source).

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

This piece of equipment was chosen based upon its current use at VAPHS.

(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:

A Special Notice (Notice of Intent to Sole Source, including this Brand Name Only and Only Available Source Limited Sources Justification, will be posted to Fedbizopps for 3-5 days.

(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.)*

<u>Mary Ellen Elias</u>	<u>May 29, 2012</u>	
SIGNATURE	DATE	
<u>Mary Ellen Elias</u>	<u>Simulation Coordinator</u>	<u>Dept of Innovation & Education</u>
NAME	TITLE	SERVICE LINE/SECTION
<u>VAPHS</u>		
FACILITY		

(10) APPROVALS IN ACCORDANCE WITH FAR 8.405-6(h):

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

Ronald Mazzei 5/29/12
CONTRACTING OFFICER'S SIGNATURE DATE
Ronald Mazzei, Contract Specialist/Contracting Officer HJ Heinz
NAME AND TITLE FACILITY

HIGHER LEVEL APPROVAL (For orders over \$500,000): ☐ REQUIRED ☐ NOT REQUIRED

b. QA OFFICER: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief. **This signature may be the VISN NCM/PCM if the Contracting Officer and Contracting Supervisor is the same individual.*

SIGNATURE DATE

NAME AND TITLE

c. NCM/DESIGNEE: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Michael J. Lano 5/30/2012
SIGNATURE DATE
Michael J. Lano
NAME
VISN X NCM

d. SAO: I certify the justification meets requirements for restricting consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

SIGNATURE DATE

NAME
DIRECTOR, SAO X

e. **VHA HCA REVIEW AND APPROVAL (over \$500,000 to \$10 million):** 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 restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4

Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

DATE

f. **VA Deputy Senior Procurement Executive Approval (\$10 million not to exceed \$50 million):** 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 restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4

Deputy Senior Procurement Executive (DSPE)

DATE

g. **VHA Senior Procurement Executive Approval (over \$50 million):** 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.

JAN R. FRYE
Deputy Assistant Secretary
Office of Acquisition and Logistics
Senior Procurement Executive (SPE)

DATE