

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA250-17-AP-10773

- 1. Contracting Activity:** Department of Veterans Affairs,
VISN 10
Network Contracting Office (NCO) 10
Louis Stokes Cleveland VA Medical Center

Purchase Request Number: 541-17-3-250-0490

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

VAMC Cleveland is requesting the procurement of Analogic Corporation's (DBA BK Medical) Prostate Triplane Transducer 9 EA and Reprocessing Tray 9 EA for use at VAMC Cleveland.

FAR13.5 Simplified Procedures for Certain Commercial Items: *This procurement is for Prostate Triplane Transducer 9 EA and Reprocessing Tray 9 EA 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:

Prostate Triplane Transducer 12-4 MHz Simultaneous biplane & endfire imaging 9 EA

*Includes 1 box of UA1329-S disposable dual biopsy guides

Reprocessing Tray for E14C4t (9018), 8818 9 EA

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;

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). The authority for the SDVOSB sole source is PL 109-461.

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

VAMC Cleveland currently own BK Medical/Analogic Ultrasound systems and transducers. This request is for additional products. The most recent purchase of this product was via 2237 # 541-17-3-250-0410 via PO # A75214. Only BK Medical Transducers can be utilized within our Existing BK Medical 1202 Flex Focus Ultrasound System. BK Medical has partnered with Four Points Technology, L.L.C., Inc. Four Points Technology, L.L.C. is the only SDVOSB capable of meeting the needs of this requirement.

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

BK Medical, the manufacturer of the ultrasound equipment and transducers, was contacted and asked if there are any authorized distributors or reseller utilized by BK Medical. BK Medical responded "The only other authorized dealer/contractor of Analogic/BK Ultrasound products is FourPoints. They are a veteran disabled, minority distributor of our products and they handle all our government bids and awards."

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

The anticipated cost to the Government is in line with the IGE and market research. In addition, previous purchases were used to determine fair and reasonable pricing.

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

Product catalogs online of open market products, NAC, FSS, and GSA were reviewed. Product research determined that there were no other SDVOSB Distributors that could provide equipment that could be used for all intubations. No other manufacturer or distributor can currently meet the government's needs.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

N/A

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

Four Points Technology, L.L.C.	Analogic Corporation
DUNS: 089896737 CAGE Code: 1YS78	DUNS: 019677418 CAGE Code: 1LLD2
Status: Active	Status: Active
14900 Conference Center Dr Ste 100	8 Centennial Dr
Chantilly, VA, 20151-3834	Peabody, MA, 01960-7902

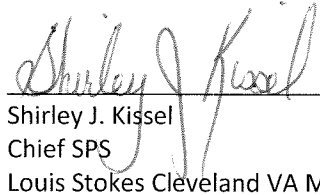
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:**

The contracting office along with the medical facility will continue to conduct market research to determine if any new equipment, distributors, or competitors enter the market.

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,

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

which are included in the justification, are accurate and complete to the best of my knowledge and belief.

 8/11/17
Shirley J. Kissel
Chief SPS
Louis Stokes Cleveland VA Medical Center

13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP. *This part is 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.

Christopher A. Callihan
Contracting Officer–Supply Team #2
Network Contracting Office (NCO) 10

- 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.

Connie McKay
Branch Chief –Supply Team #2
Network Contracting Office (NCO) 10