

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA260-17-AP-7308

1. **Contracting Activity:** Department of Veterans Affairs, VISN 20, Network Contracting Office 20 (NCO 20), on behalf of the VA Medical Center (VAMC) in Boise, Idaho, has a requirement for the acquisition of Brand Name portable sleep monitoring machines under purchase request number 531-17-3-725-0003.
2. **Nature and/or Description of the Action Being Processed:** The objective of this request is to procure the Brand Name product of Carefusion 211, a type of portable sleep monitoring machine (NOX T3 Complete Kits) for use in home sleep testing. This will be procured by means Other Than Full and Open Competition, with delivery to the VA Medical Center, 500 West Fort St., Boise, Idaho 83702.

A new firm fixed-priced purchase order, is planned for this one-time equipment procurement. This procurement will be conducted in accordance with FAR Subpart 13.5 Simplified Procedures for Certain Commercial Items and, specifically, FAR Subpart 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 purchase request submitted to NCO 20 is in support of procuring the following Brand Name equipment:

Quantity of Sixty (60), Carefusion 211 brand of portable sleep monitoring machines (NOX T3 Complete Kits), and associated disposables; delivery to the Boise VAMC (purchased with Office of Rural Health (ORH) Tele Sleep Grant FY17 Q3 Budget Expenditure, used for doing home sleep testing in rural settings).

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; (Brand Name)
- () (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;

This procurement will be utilizing FAR 13 procedures and is suitable for full and open competition with Brand Name only. In accordance with FAR 13.501, the following is used as authority for this brand name justification

- 5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Carefusion's Nox T3 is the brand required by the grant team to standardize data from each site participating in the ORH grant. The use of another brand would limit access to data and negate the efficacy of data being collected. Only the requested items will meet the needs of the Government.
- 6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This procurement will be solicited utilizing FAR 13 procedures through FBO, set-aside for SDVOSB as there is a NMR waiver for NAICS 334510 listed on SBA.gov. This will provide all certified SDVOSB distributors of the manufacturer with an opportunity to quote.
- 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(a)(1), the pricing is anticipated to be fair and reasonable based on the competitive quotes that are expected in response to the solicitation.
- 8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research, in accordance with FAR Part 10, was conducted. The requested equipment is not available from mandatory sources. Based on market research there is a reasonable expectation that two or more SDVOSB's will respond to the solicitation with 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:** Trillamed (SDVOSB) and Carefusion 211 .
- 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:** None.
All authorized resellers are encouraged to bid.

Chapter VI: Other Than Full and Open Competition (OTFOC) 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.

Michael L Brown
Michael L Brown
Sleep Lab Supervisor
Boise VAMC

08/30/2017

Date

13. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP](#).

Jacob Jackson
Contract Officer
NCO 20

8/30/2017

Date

a. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Stacia Nunn
NCO 20 Division 2 Chief

September 1, 2017

Date