

JUSTIFICATION FOR BRAND NAME AWARD IAW [FAR 13.106-1](#)
(OVER MICRO-PURCHASE THRESHOLD(\$3.5K) BUT NOT EXCEEDING THE SAT (\$150K))

IAW [FAR13.104](#), COs must promote competition to the maximum extent practicable to obtain supplies and services from the source whose offer is the most advantageous to the Government, considering the administrative cost of the purchase. When competition is not practicable, IAW [FAR13.106-1\(b\)](#), COs solicit from a single source for purchases not exceeding the simplified acquisition threshold. COs may solicit from one source if the CO determines that the circumstances of the contract action deem only one source reasonably available (e.g., urgency, exclusive licensing agreements, brand-name or industrial mobilization). IAW [FAR13.106-3\(b\)\(3\)](#), COs are required to include additional statements **explaining the absence of competition** (see [13.106-1](#) for brand name purchases) if only one source is solicited and the acquisition does not exceed the simplified acquisition threshold (does not apply to an acquisition of utility services available from only one source) or supporting the award decision if other than price-related factors were considered in selecting the supplier. This template when completed can be used to document single source awards IAW [FAR13.106-3\(b\)\(3\)](#). Note: Statements such as "only known source" or "only source which can meet the required delivery date" are inadequate to support a sole source purchase.

1. ACQUISITION PLAN ACTION ID:

VA263-17-11183

**1A. PROJECT/TASK
No.**

1B. ESTIMATED AMOUNT:

\$109,499.00

2. BRIEF DESCRIPTION OF SUPPLIES OR SERVICES REQUIRED AND THE INTENDED USE:

Stock replenishment of Devilbiss Home Oxygen Refill Stations that extract purified oxygen from room air to refill Devilbiss Oxygen cylinders. These are stand-alone units, not tethered to oxygen concentrators. Also, stock replenishment of Devilbiss Oxygen cylinders that work with the refill station.

3. UNIQUE CHARACTERISTICS THAT LIMIT AVAILABILITY TO "BRAND NAME", WITH THE REASON NO OTHER SUPPLIES OR SERVICES CAN BE USED:

This model/unit has been used by this VA station for approx. 15 years. Currently the customer has a stock inventory of accessories for this unit that includes just under 2,000 cylinders. The customer also describes having 300 patients that each have 6-10 cylinders in their homes. Historically, the manufacturers of these units create these units to be proprietary, which means the units will only work with accessories that are manufactured by the same manufacturer. If the customer was required to switch to a unit made by a different manufacturer, all current customer stock and patient stock would have to be replaced with new, proprietary accessories. Consequently, we conclude a Brand Name purchase is justified.

4. DESCRIPTION OF MARKET RESEARCH CONDUCTED AND RESULTS OR STATEMENT WHY IT WAS NOT CONDUCTED:

The customer describes receiving visits regularly by multiple competitor vendors, and maintains up to date knowledge of popular competitor models. We called four, large medical supply outlets who all confirm that Home Refill stations of any brand name require accessories to be of the same brand name (Medical Dept. Store, TriMed Inc., Vitality Medical, Rehab Mart). Our online research supports all the above statements. SAM database was utilized. A VETBIZ search of NAICS 339112 revealed 173 SDVOSBs. A request for information was emailed out to multiple SDVOSBs asking if they sold this unit and cylinders, and five SDVOSBs responded positively, favoring a Brand Name SDVOSB Set-Aside.

5. Contracting Officer's Certification: *Purchase is approved in accordance with FAR13.106-1(b). I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief. Note: COs are required to make a determination of price reasonableness IAW FAR 13.106-3. See the [Commercial Supply and Service SOP](#) for Price Reasonableness templates.*

9/1/2017

Signature: _____

Date: _____

Name: Chris Skaggs

Title: Contract Officer

NCO: 23