

## DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA263-17-AP-5928

1. **Contracting Activity:** Department of Veterans Affairs, NCO 23, St. Cloud VA Health Care System, 4801 Veterans Drive, MN 56303. Organization Activity: Omaha VA Health Care System, 4101 Woolworth Ave Omaha, NE 68105, 636-17-2-1963-0123.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for a SDVOSB sole source, purchase order for the Omaha VA Health Care System's Ear Nose and Throat Department for Olympus Rhino-Laryngo video scopes and towers 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:** This procurement is for Olympus High Definition (HD) Rhino-Laryngo Video scopes with video towers, cameras, and light sources for the Ear Nose and Throat department at the Omaha VA Health Care System. This HD video system will allow for greater diagnostic ability for providers and be utilized by resident providers for training. This will be used in a clinical setting to view inside patients nose and throat. Visualization of these areas is necessary to diagnosis and treat patient with nose and throat issues.

Delivery Date: 90 days ARO

IGCE: [REDACTED]

4. **Statutory Authority Permitting Other than Full and Open Competition:** The statutory authority permitting an exception to fair opportunity for this action is 38 U.S.C 8127(c), known as the Veterans First Contracting Program which provides the authority to directly contract with a Service Disabled Veteran Owned Small Business (SDVOSB) or a Veteran Owned Small Business (VOSB).

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).

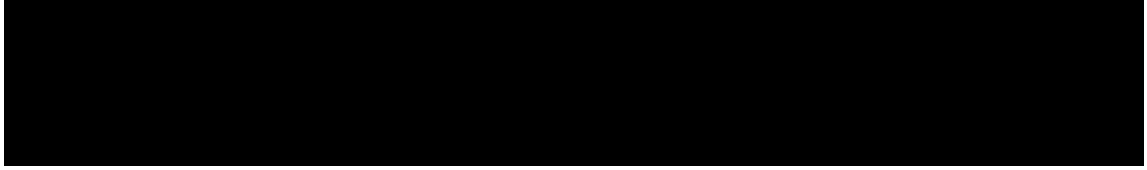
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The Omaha VA has a requirement for Olympus video scopes and towers for their Ear Nose and Throat Department. Olympus, a large business, is the manufacture and has verified that Alliant Enterprises LLC, a SDVOSB, is the only other authorized Government reseller. Olympus brand equipment is required as it needs to be compatible with the Omaha Surgery Departments existing Olympus Rhino Flexible Laryngoscopes ENF-VH as well as Karl Storz laryngoscope 11101RP2, Hopkins II 30° 7219BA and Hopkins II 0° 7219AA. The Olympus equipment is also required as it is the only tower and camera system that is compatible with the Omaha VA's Sterile Processing. Other manufacture's video scope systems require either sterile processing not currently used at the Omaha VA or Ethylene Oxide (ETO) sterilization which the Omaha VA intends to quit using by the end of 2017.

The following information is provided per PPM 2016-05 for implementation of Kingdomware requirements for an SDVOSB sole source: The justification must comply with the format requirements at FAR 6.303-2. Specific attention should be given to the requirements outlined in FAR 6.303-2 subparagraphs (b)(5), (b)(6), (b)(7), (b)(8), (b)(10) and (b)(11) to maximize efforts to increase competition. The justification shall include:

- (i) the number of SDVOSBs and VOSBs reviewed; 1 VetBiz verified SDVOSB vendor was reviewed and Olympus provided verification that they are the only SDVOSB authorized distributor.
- (ii) documentation of the basis of price reasonableness; Price reasonableness will be based on a comparison of the SDVOSB vendors quote against the IGCE, Olympus market research quote, Olympus' List Price and FSS pricing as well as previous purchases.
- (iii) an explanation why only one of the firms can accomplish the requirement; The Omaha VA requires Olympus brand video scopes and towers and Olympus has stated that Alliant is the only authorized SDVOSB distributor.
- (iv) an explanation for finding the non-competitive procurement is in the best interest of the government; This procurement allows the government to meet the requirements of Kingdomware via PPM 2016-05 as well as VA's socioeconomic goals for SDVOSB procurements.
- (v) an explanation for selection of the contractor, which will allow the approving official to make a reasonable determination regarding whether a non-competitive procurement is appropriate. Since Olympus is the OEM for this equipment and only has one authorized SDVOSB reseller, the use of PPM 2016-05 for an SDVOSB sole source procurement is appropriate.

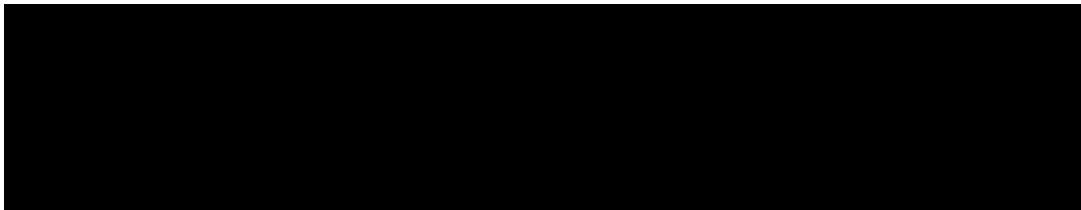
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This will be a sole source to Alliant Enterprises LLC as they are the only Olympus authorized SDVOSB distributor.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The cost is anticipated to be fair and reasonable based on a comparison with the IGCE, informal market research quote, List Prices and previous purchases.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was completed by searching VetBiz under NAICS code 334510 which produced 132 results. GSA was searched and while Olympus does have an FSS contract 3 of the items for approx. \$████ are not on the contract. Olympus was contacted and they verified that there are only 2 authorized distributors for the government of Olympus equipment. The items are available either directly from Olympus, the manufacture and a large business, or from Alliant Enterprises LLC, a SDVOSB verified through VetBiz.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** NA
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** NA
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:** When the Omaha VA has a requirement for new equipment, market research will be completed to determine if there are any other authorized distributors and if there are any other manufactures equipment that is compatible with the Omaha VA's current system.

- 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.



- 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.



- 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.

