

**LIMITED SOURCES JUSTIFICATION**

**ORDER >\$150,000**

**FAR PART 8.405-6**

**Acquisition Plan Action ID: VA242-17-AP-6786**

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: Physio Control

Manufacturer/Contractor POC & phone number: [REDACTED]

Mfgr/Contractor Address: 11811 Willows Road NE, Redmond, WA 98073

Dealer/Rep address/phone number: [REDACTED]

The requested material or service represents the minimum requirements of the Government.

Contracting Activity

Department of Veterans Affairs  
Network Contracting Office 2  
130 West Kingsbridge Road  
Bronx, New York 10468

Facility

VA Hudson Valley Healthcare System  
Montrose Campus  
2094 Albany Post Road  
Montrose, NY 10548

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

The Department of Veterans Affairs, Montrose, NY VAMC requires a procurement contract for defibrillators used in saving the life of patients. This is a Brand name Justification & Approval. This contract is for the replacement of the outdated Philips Heartstart defibrillators and to support and provide better capabilities to the life-saving process as a sole source award. The item is based on consumables and services to be placed on order to be used to help medical center staff doctors, nurses and firemen have the capability to use the equipment efficiently and effectively.

Physio Controls  
11811 Willows Road NE  
Redmond, WA 98073-9706

Estimated Cost: [REDACTED]

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

The Hudson Valley Healthcare System VA Medical Centers requires a contract for defibrillators used in the medical facility by doctors, nurses and firemen on an as needed basis for critical life-saving instances. These defibrillators will be readily available should the need arise. The groups of required products are as follows:

- ITEM#11140-000015-AC Power
- ITEM#11140-00072-LP15-AC POWER Adapter (Power Cord not included)
- ITEM#11140-000080-Extension Cable (5FT 3IN)
- ITEM#11260-000044-TrueCPR Carry Case
- ITEM#11577-000002-Lifepak 15 Basic Carry case W/right & Left pouches.
- ITEM#11577-000011-Mobile Battery Charger-for LP15
- ITEM#213330-001176-LP15 Lithium-ion Battery 5.7 Amp Hrs.
- ITEM#70507-000080-Lifepak 20e defib/Monitor with pacing package
- ITEM#80596-000003-TRUECPR Coaching device Includes Truecpr\*device, USB cable for data download, 2 batteries and instructions for use. Warranty
- ITEM#99577-001963-Lifepak 15 V4 Monitor/Defib, adaptive Biphasic, manual & AED, color LCD, 100mm printer, Noninvasive pacing, Metronome, Trending, SpO2, NIBP, 12-Lead ECG, ETCO2, 2 Invasive pressure channels, Bluetooth, Nellcor included: 2 Pair quik combo Electrodes per unit  
11996-000091, Test Load-21330-001365, In-Service DVD-21330-001486 (One per order) service manual CD-26500-003612 (one Per order) and shipkit-(RC cable) 41577-000292. Hard paddles, Batteries, carrying case  
Trade-in Unit

\*Only Physio's defibrillators meet the requirements of the using service.\*

**(3) 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.

It is necessary for the OEM (Original equipment Manufacturer) to provide the defibrillators due to the fact that purchasing the defibrillator as a second party purchaser raises the price, making it unfair and unreasonable with other vendors. Purchasing other defibrillators would require re-training of the doctors, nurses and firemen along with put the patient at risk of not getting a fair chance at being brought back to life, should a life-threatening occurrence happen. These defibrillators have a higher voltage output than the average defibrillator and have a better success rate when comparing converting rates. The item is available thru an FSS contract from large business.

A patent, copyright or proprietary data limits competition. The proprietary data is:  
(If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

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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.

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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.

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An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

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**(4) 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:**

IAW FAR Part 8.404d. GSA has already determined the price of supplies under schedule contracts to be fair and reasonable. Therefore, ordering activities are not required to make a separate determination of fair and reasonable pricing. Also, in accordance with FAR part 8.405-4, ordering activities shall seek a

price reduction when the order exceeds the Simplified Acquisition Threshold (SAT). In this instance, the Contracting Officer requested a price reduction and it was 10%.

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

**(6) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:**

Although the Contracting Officer received confirmation from the Government Accounts Representative of Physio Controls that they are the manufacturer of the required item and have small business distributors, a sources sought notice was posted to FBO for Two-Weeks June 5, 2017-June 15, 2017, to verify that there were some. Calls were made to SBA small business dynamics & VIP (Veterans Information Pages) vendors. In fact, any small business distributors. The communication received was positive responses from 6 SDVOSB's & 1 NO BID response from 1 SDVOSB. An RFQ solicitation was placed in FBO on July 6, 2017-July 17, 2017 and resulted in 1 quote for an equal product and 6 quotes that were unfair and unreasonably high. Additionally, a budgetary quote was requested and provided by Physio Controls on 06/10/2017. The quote that was the lowest was a comparable product quote and end user stated that the product offered was not technically acceptable because of the wattage output. (End user remarks attached).

On July 20, 2017 a source sought was posted in GSA E-buy to seek available SDVOSB & VOSB vendors that could supply defibrillators. There was one response, so CO requested a quote from the vendor that resulted in the price being unfair and unreasonable.

It is imperative for the OEM (Original equipment manufacturer) to provide the defibrillators as it is the best way to ensure a fair and reasonable price, not going to a second party entity. This would be advantageous to the Government.

**(7) 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:**

With regards to any future actions pertaining to defibrillators, the Contracting Officer will conduct appropriate market research to determine if there are, at the time, any authorized small business distributors capable of meeting the specific requirement.

**(8) 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.)*

\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
NAME  
\_\_\_\_\_  
TITLE  
\_\_\_\_\_  
DATE  
\_\_\_\_\_  
SERVICE LINE/SECTION

FACILITY

**(10) APPROVALS IN ACCORDANCE WITH THE VHAPM, Volume 6, Chapter VI: OFOC SOP:** *This part if filled out by Contracting Staff as part of the Justification*

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

[REDACTED]

[REDACTED]

DATE

NC02 Branch Chief

FDR Montrose VAMC

**b. Director of Contracting/DESIGNEE:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

[REDACTED]

[REDACTED]

SIGNATURE

DATE

[REDACTED]

[REDACTED]