

DEPARTMENT OF VETERANS AFFAIRS

FAR 8 – Justification for Limiting Sources (LSJ)

For

Limiting Sources (<\$150K)

Acquisition Plan Action ID: [REDACTED]

1. **Contracting Activity:** Department of Veterans Affairs, VISN 17, Audie L. Murphy Medical Center. Network Contracting Office, 5441 Babcock Road, Ste 302, San Antonio, Texas 78240.

[REDACTED] Nitric Oxide Therapy Services

2. **Description of Action:** The Logistic Services: Audie L. Murphy VA Healthcare Center requires Inhaled Nitric Oxide. Contractor to provide 800 hours of Nitric Oxide Therapy Service, which consists of (a) the pharmaceutical drug nitric oxide for inhalation for the Nitric Oxide Therapy, (b) a delivery device meeting the criteria for the administration of nitric oxide as set forth in the product label for nitric oxide delivery, (c) various maintenance, pick-up and delivery, and other service. This is a new action. (V797D-60737)

Order against: ☒ FSS Contract Number: V797D-60737

Name of Proposed Contractor: INO THERAPEUTICS, LLC
Street Address: PERRYVILLE III CORPORATE PARK, 53 FRONTAGE RD. 3RD FL
City, State, Zip: HAMPTON, NJ 08827
Phone: 908-238-6668

3. **Description of Supplies or Services:**

The estimated value of the proposed action is [REDACTED]

INO Therapeutics, LLC provide the STVHCS with Nitric Oxide Therapy Service, which consists of (a) the pharmaceutical drug nitric oxide for inhalation, (b) a delivery device meeting the criteria for the administration of nitric oxide set forth in the product label for nitric oxide delivery, (c) various maintenance, pick-up and delivery, and other service. Funding is based on estimated values of 800 hours annually.

4. **Authority:** FAR 8.405-6(a)(1)(i)(B)

ORDER AGAINST FSS: Authority of the Multiple Award Schedule Program, Title III of the Federal Property and Administrative Services Act of 1949 (41 USC 251, et seq.); Title 40 USC

501, Services for Executive Agencies; and Section 803 of the National Defense Authorization Act of 2002 (PL 107-107) and implemented by FAR 8.405-6. Mark the applicable exception:

☐ **An urgent and compelling need exists**, and following the procedures would result in unacceptable delays(FAR 8.405-6(a)(1)(i)(A));

☒ **Only one source** is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized; (FAR 8.405-6(a)(1)(i)(B));

☐ In the interest of economy and efficiency, the new work is a **logical follow-on** to an original Federal Supply Schedule order and the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. **The original order was not previously issued under sole-source or limited-sources procedures** (FAR 8.405-6(a)(1)(i)(C)); or

☐ **Items peculiar to one manufacturer**. An item peculiar to one manufacturer can be a particular brand name, product, or a feature of a product, peculiar to one manufacturer). A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer (FAR 8.405-6(b)).

5. **Rational/explanation to support cited authority:** Notice of Intent to Sole Source was posted to FBO.gov and emailed to SDVOSB found on VetBiz under NAICS: 325412. Only One Source replied by the closing date on FBO.gov which was 10/30/2017 @ 0900 CST. INO Therapeutics, LLC provide the STVHCS with Nitric Oxide Therapy Service, which consists of (a) the pharmaceutical drug nitric oxide for inhalation.

6. Note that this determination satisfies the requirements of FAR 8.405-6. The requirement to prepare a written justification IAW FAR 6.303 does not apply to Federal Supply Schedules.

