

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA69D-17-AP-9290

1. Contracting Activity:

Department of Veterans Affairs
Great Lakes Acquisition Center, NCO-12
115 South 84th Street, Suite 101
Milwaukee, WI 53214-1476

Edward Hines Jr, VAH
5000 South 5th Avenue
Hines, IL 60141

2237 Number: 578-18-1-969-0009

2. Nature and/or Description of the Action Being Processed:

Justification for Brand Name Only procurement, for the Edward Hines Jr. VAH requirement of Philips Expression Patient Monitors. A firm-fixed-price contract is planned.

FAR13.5 Simplified Procedures for Certain Commercial Items:

This procurement is for new Philips Expression Patient Monitors i/a/w: 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:

The Edward Hones Jr. VAH requires new Philips Expression Patient Monitors as the Radiology MRI Department currently has one monitor in use for two rooms. This monitor is at end of life and is in need of replacing. A second monitor is needed for the other MRI suite and a third monitor is needed for the coming MRI suite that is currently under construction. These monitors are used to monitor patient vital signs while undergoing exams in the MRI suite. The monitors that reside in the procedure room are MRI safe due to the powerful magnet that is in the room.

4. Statutory Authority Permitting Other than Full and Open Competition:

FAR13.5 Simplified Procedures for Certain Commercial Items:

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 Philips Expression MR400 brand name patient monitors are the only equipment that will meet the needs of the Hines VAH. The Philips Expression MR400 brand name monitors are compatible with all the hardware/equipment already on hand at the Hines VAH (EKG Pulse Ox cables, blood pressure tubing, temperature cables, remote control unit, arterial blood pressure lines, etc.) that has cost us a significant amount of funding. The Philips Expression MR400 patient monitors are MRI safe, which is required as they will be utilized in the MRI suites. The Philips Expression MR400 also includes wireless communication from the MRI safe monitor in the scanning room to the unit in the Control Room. Also, with the Philips Expression MR400, the ECG and SpO2 leads are wireless and connect to the monitor using wireless modules. This brand name patient monitors have ECG and SpO2 leads that use removable/replaceable batteries for additional battery life.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

The only equipment that will meet the needs of the Government is manufactured by Philips, an Other Than Small Business. The Non-Manufacturer Rule applies to this procurement as the IGCE is greater than \$150,000.00, and the NAICS and FSC code combination (334510 / 6515) does not exist on the SBA's Class Waiver List dated January 1, 2015, therefore a set-aside cannot be sought. As the Non-Manufacturer Rule at FAR 19.502-2(c), indicates the requirement cannot be set aside.

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:

Price will be determined fair and reasonable i/a/w FAR 13.106-3.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

The NMR does apply to this procurement, as the IGCE is greater than \$150,000.00, and the SBA has not granted a class waiver, therefore a set aside will not be pursued.

Ability One website search was conducted; Ability One does not provide the required product. **FSS** search conducted, resulting in no FSS contract holder that can provide the requirement. **Communication with Manufacturer** PHILIPS resulted with the advising of two (2) SDVOSB distributors that can provide the requirement.

Based on the information provided above, it is determined this procurement will be fulfilled by issuing a brand name only, unrestricted Request for Quotation (RFQ) onto the FBO website, i/a/w: FAR 13.5.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

The NMR does apply to this procurement, as the IGCE is greater than \$150,000.00, and the SBA has not granted a class waiver, therefore a set aside will not be pursued.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

Philips (manufacturer).

Alliant Healthcare Products (SDVOSB distributor).

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:

No action is planned. This procurement will be solicited competitively as a brand name only procurement. The NMR does apply to this procurement, as the IGCE is greater than \$150,000.00, and the SBA has not granted a class waiver, therefore a set aside will not be pursued.

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.

Darnell Ramiscal
Darnell R. Ramiscal RT (R)(CT)
Radiology PACS Manager
Edward Hines Jr. VHA

13. Approvals in accordance with the [VHAPM Part 806.3 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.

Thomas H. Chesak
Contracting Officer – NCO-12

- b. **One Level Above the Contracting Officer (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Andrea L. Morris
Operations Division Manager – NCO-12