

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA244-17-AP-9765

1. Contracting Activity: Department of Veterans Affairs, VISN 04, Lebanon VA Medical Center
1700 South Lincoln Ave, Lebanon, PA 17042; Funding is provided through Delivery Orders

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

The Lebanon VA Medical Center is requesting a Firm Fixed Price, Brand Name (Midmark), 5 Year Indefinite Delivery Indefinite Quantity Contract with a minimum guarantee of (20) Midmark Exam Tables or \$124,445.20 and an estimated maximum of \$1,300,000.00 for the period of 01/15/2018 to 01/14/2023 or 5 years from contract award. This contract will supply the Lebanon VA Medical Center and surrounding clinics with exam tables which are compatible with existing tables, parts, and accessories needed for life cycle change outs, expanding clinics, repairs, and activations.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for a new 5 year IDIQ Firm Fixed Price Contract 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:

- \$0 dollar IDIQ, Minimum guarantee of (20) Midmark 625-004 Barrier Free Power Exam Tables or \$124,445.20. Maximum value set at \$1,300,000.00, not guaranteed.
- POP: (01/15/2018 to 01/14/2023) or 5 Years from date of contract award.
- Orders will be requested by individual Delivery Orders and shall occur within 30 days of receipt or according to the schedule outlined by the COR.

Description/Part Number*
Midmark 625 Exam Table w/ receptacles, pelvic tilt, drawer heater, digital scale, USB hub, wireless controls- 625-004
Upholstery Top - 28"Wide Premium - 002-0874-XXX (Color TBD)
Upholstery Top - 32"Wide Premium - 002-1180-XXX (Color TBD)
Supply Assistant Storage Unit - 9A431001
PC Work Surface Kit - 9A363001
Patient Support Rails, Rails Only, Pair, Field Installed 9A561001
Patient Support Rail Receivers, Pair, Plant Installed - 9A585001
Extensions for 32" wide upholstery, pair, field installed - 9A582001

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

41 USC §3304(a)(1), as implemented by FAR 6.302-1.

(X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;

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):

Approximately 152 Midmark Exam tables are being used throughout the Lebanon VA Medical Center and its 5 supporting clinics with an estimated replacement value of \$1,360,489.68. In 2014/2015 21 of those chairs were updated to the new Midmark Exam Tables with an estimated value of \$187,962.39. This 5 year IDIQ request will

supplement these facilities growing needs through expansions, activations, and life cycle replacements while adding and transitioning to new identical Midmark Exam Table equipment at all of the facilities creating a consistent and cohesive environment through design, color, size, functionality, maintenance, and operation as established through VHA Directive 1850.05 Interior Design Operations and Management Program. The exam room size, flow, functionality, and additional room furniture in the expanding clinics, activation projects, and existing facility rooms were designed, updated, and engineered around the existing Midmark Exam Table 625-004 which meets the technical needs of the medical staff and is consistent with the local Interior Design Program.

Providers within the Lebanon VA Medical Center and surrounding clinics have the potential to work at multiple facilities at varying times and it is essential to maintain continuity of equipment at all of the facilities. The standardization of this medical equipment allows for any provider to quickly and efficiently treat patients no matter which location they are at or which room they use without having to familiarize or become proficient with multiple manufactures' medical equipment. Thus maximizing compatibility, interoperability, safety, value, and quality as established by VHA Directive 1026 VHA Enterprise Framework for Quality, Safety and Value. The purpose of the Veterans Health Administration directives is to establish policies, responsibilities, and processes for operating and managing the facilities as established by authority 38 U.S.C. 7301(b).

Accordingly, Midmark Corporation is the only manufacturer capable of providing the model of equipment currently being used at the facilities, required by the Medical Facility, and consistent with VHA Directives, and as described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** *Describe all efforts taken (or to be to be taken) to ensure that offers are solicited from as many potential sources as practicable under the circumstances. The following issues should be addressed in this paragraph:*

Sources Sought Synopsis: If a sources sought synopsis was issued, state the date the synopsis was issued, the synopsis number, and a brief description of its content. If any responses were received, describe in detail the results of the screening process and the rationale for determining the unacceptability of any synopsis respondents. This is particularly important when citing the authority of 10 USC 2304(c)(1), "Only one (or a limited number of) responsible source(s)", since it is this survey of the market place that confirms our assumptions regarding the capability of industry to meet our needs. (See FAR 6.303-2(b)(6)). If the proposed action was not or will not be synopsisized, cite the specific authority for not doing so (per FAR 5.202) and the rationale for the synopsis exception. Note that although synopsis of proposed contract actions initiated pursuant to FAR 6.302-2 may not be required, use of this authority is not an automatic exemption from synopsis. (See FAR 5.202(a)(2)).

*Other Actions: In this paragraph, discuss any other actions taken or planned to facilitate competition for **this** acquisition. The discussion should include actions tried or considered even if the actions were unsuccessful. If the efforts were unsuccessful, so state and describe why.*

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** *Include a statement by the CO that the anticipated cost will be considered fair and reasonable and provide the basis for this determination. The steps that will be taken to ensure the final contract price will be fair and reasonable are also described here. Describe the extent of cost or price analysis anticipated including the requirements for certified cost or pricing data, technical evaluations, and audits (FAR 6.303-2(b)(7)).*

A cost analysis was conducted by the Procurement Liaison and included in the Procurement package.

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

As described in Section 6 above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties.

FPDS Search; GSA Search by model number and description; provided historical contract information; collect informal quotes; identified SDVOSB distributors; NAC Searches; verified SAM Registration of manufacturer; VIP searches by distributor, description, and NAICS codes.

Conducted a cost comparison of the Manufacturer's Unit Pricing (No Volume Discount) compared to their competitive quote (with volume discount) and competitive distributors quotes. Quantities could vary higher or lower during the period of performance of the IDIQ due to expected activations, expansions, and life cycle equipment replacements.

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

N/A

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

Midmark Corporation; Other Than Small Business; 60 Vista Drive Versailles, OH, 45380-9310; POC: Mike Luke, mluke@midmark.com, PH: 800-643-6275x8224 or 800-Midmark; DUNS: 005036025; V797P-4435B

Dealer/Distributors:

3-Vets Inc.; SDVOSB; 1907 E. Hillsborough Ave Suite 101 Tampa, FL 33610-1518; POC: Reggie Tim, E-Mail: Vetinds@aol.com, PH: 813-237-8387; DUNS: 074208930; GS-02F-0128P

1st American Medical Distributers; SDVOSB; 151 Heritage Park Drive Suite 201, Murfreesboro, TN 37129-1204; POC: Stanley Palczewski, stan@1st-amd.com, PH: 615-904-1263; DUNS: 802239751; V797P-4109b

TSPS dba Tagg Industries; SDVOSB; 23210 Del Lago Laguna Hills, CA 92653; POC: Derek Shirley, contracts@taggmed.com, PH: 740-521-9475; DUNS: 180526493; V797D-50508

Medical Place Inc.; VOSB; 350 Industrial Park Blvd. Montgomery, AL 36117; E-Mail: aseawright@medicalplace.net or sstrickland@medicalplace.net, PH: 334-241-0807; DUNS: 112651336; V797P-2002D

Bayside Medical Supply Company Inc.; SDVOSB; 3924 W. Palmetto Street, Tampa, FL 33607-2448; E-Mail: baysidemedicalsci@gmail.com, PH: 813-879-2731; DUNS: 883429409; V797D-50499

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 actions are planned to foster competition for future acquisitions. Midmark Corporation is the only manufacturer capable of providing the same manufactured exam tables that are utilized at the Medical Center and its surrounding facilities. If alternate manufacturer's models are selected the Medical Center and its facilities would require that the equivalent of the same brand be procured for the existing exam tables resulting in a substantial duplication of cost.

A sole source effort is required for multiple years in the form of an IDIQ contract to create efficiencies such as eliminating redundant contracts, contracting working hours on redundant contracts, cost savings due to scale and reduced working hours, and customer ease of use ultimately maximizing the quality, safety, and value of patient care provided by the medical centers as desired by VHA Directive 1026 VHA Enterprise Framework for Quality, Safety and Value.

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.

Gregory J.

Bozovich 901452

Gregory Bozovich

VISN4 Procurement and Resources Specialist

Lebanon VA Medical Center

Digitally signed by Gregory J.
Bozovich 901452
Date: 2017.12.20 09:52:27 -05'00'

12/20/2017

Approvals in accordance with the VHAPM Part 806.3 OFOC SOP: *This part if filled out by Contracting Staff as part of the Justification*

- 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.

Amanda L.
Saunders 169812

Digitally signed by Amanda
L. Saunders 169812
Date: 2017.12.20 10:54:31
-05'00'

Amanda Saunders
Contracting Officer
NCO 4

Date 12/20/17

- 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.

DAVID C.
SMITH
1572571

Digitally signed by
DAVID C. SMITH 1572571
Date: 2017.12.28
07:51:09 -05'00'

Name
NCO/PCO XX Duty Title
Facility

Date