

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID:** VA250-18-AP-2578

1. **Contracting Activity:** Department of Veterans Affairs, VISN 10, Louis Stokes Cleveland Medical Center, Network Contracting Office 10.

**Purchase Request Number:** 541-18-1-922-4603. EST: \$182,000.00.

2. **Nature and/or Description of the Action Being Processed:** VAMC Cleveland Prosthetic services is requesting CPAP MACHINES from FIRST NATION GROUP dba JORDAN RESES, Dreamstation Auto CPAP with Humidifier DSX500H11 200 EA, Modem Dreamstation Cellular Non-Cximetry 100605C 200 EA, and Airsense 10 Autoset with Humidair 37207 200 EA for use at the Louis Stokes VAMC Cleveland.

These CPAP machines are required to maintain stock for pulmonary patients. The Prime Vendor Kreiser is unable to complete the supply request until FY19 due to shortage of supplies. Pulmonary is in short supply of CPAP machines and are requesting a bulk supply of CPAP machines for new patients and for request of device replacements.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**  
The Louis Stokes VAMC, Prosthetics Services needs 200EA - DreamStation Auto CPAP with Humidifier (DSX500H11); 200EA - Modem, DreamStation Cellular, Non-Oximetry (100605C); and 200EA - ResMed AirSense 10 Autoset with HumidAir (37207) for pulmonary supplies.

This contract will be awarded as a firm-fixed price purchase order. There are no options for this contract action. The estimated dollar value of this transaction is \$182,000.00. The performance period will begin in Fiscal Year 2018, following the award of this contact action.

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). The authority for the SDVOSB sole source is PL 109-461.

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Kreiser Inc, the National prime vendor, selected to provide pulmonary supplies is unable to provide CPAP devices in FY18. Pulmonary is in short supply and this bulk supply of CPAPs is to maintain stock in the pulmonary office. The on-hand supply is issued to new patients and replacements for CPAP breakdowns.

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP  
Attachment 2: Request for Sole Source Justification Format >\$150K

First Nation Group, LLC dba Jordan Reses Supply Company is the exclusive supplier to the VA for Philips Respironics. First Nation Group is a verified Service Disabled Veteran Owned Small Business (SDVOSB). Accordingly, First Nation Group, LLC dba Jordan Reses Supply Company is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements. In accordance with 38 U.S.C. 8123, "the Secretary may procure prosthetic appliances and necessary services required in the fitting, supplying, and training and use of prosthetic appliances by purchase, manufacture, contract, or in such other manner as the Secretary may determine to be proper, without regard to any other provision of law."

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Medical Center prime vendor, Kreiser, Inc. was contacted to fulfill this request. They cannot provide the items during FY18. First Nation Group LLC dba Jordan Reses Supply is on National Contract under FSS V797P-4297b and is a Small Disabled Veteran Owned Small Business (SDVOSB).

Contract Specialist conducted a review of product catalogs online search of open market vendors, FSS and GSA. Product research determined that there were no other SDVOSB distributors that could provide the equipment required to meet the government's needs.

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost to the Government is in line with the IGCE and market research. In addition, previous purchases and Contract Specialist personal knowledge were used to determine fair and reasonable pricing.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The NAC, GSA Advantage and GOOGLE were used to search for supplies to meet the needs of this requirement. Multiple vendors were found to supply the CPAP machines. However, First Nation Group has a government contract, SDVOSB, and has the best pricing available for the devices.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** These items are manufactured by Philips Respironics and First Nation Group, LLC dba Jordan Reses Supply Co is the exclusive VA supplier of its Sleep and Respiratory Care products. Pulmonary is in short supply and since CPAP devices are commonly used among the VA patient population and often break down, this stock supply is required to complete replacement request.
10. **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:** The contracting office along with the medical facility will continue to conduct market research to determine if any new distributors or competitors enter the market.

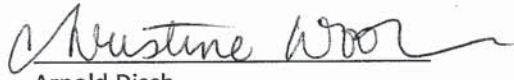
11. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

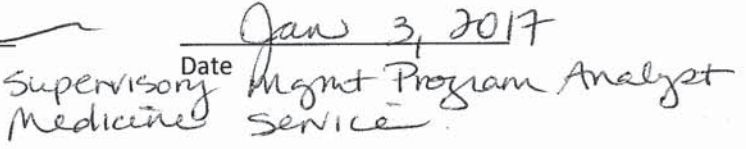
First Nation Group, LLC DBA Jordan Reses Supply Company DUNS# 078875731  
4566 Highway 20 East, Suite #208  
Niceville, FL 32578-8839



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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.

  
Arnold Disch  
Director of Respiratory Care  
Pulmonary Section  
Louis Stokes, Cleveland VAMC

  
Date Jan 3, 2017  
Supervisory Mgmt Program Analyst  
Medicine Service

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.

Christopher A Callihan 566158  
Digitally signed by Christopher A Callihan  
566158  
Date: 2018.01.04 08:49:51 -05'00'

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Christopher A. Callihan  
Contracting Officer – Supply Team #2  
Network Contracting Office 10 (Indiana, Ohio & Michigan)

\_\_\_\_\_  
Date

- 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.

Connie A. McKay 321498  
Digitally signed by Connie A. McKay  
321498  
Date: 2018.01.04 15:12:20 -05'00'

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Jason Lawson  
Branch Chief – Supply Team #1  
Network Contracting Office 10 (Indiana, Ohio & Michigan)

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Date