

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA247-17-AP-10655

1. **Contracting Activity:** Department of Veterans Affairs, VISN 7, Charlie Norwood VA Medical Center, Augusta, GA, (Station 509). Transaction #509-18-1-528-0001

2. **Nature and/or Description of the Action Being Processed:** This procurement is for a firm fixed price, one-time buy contract for 22 Critical Care Beds w/Installation, for the Charlie Norwood VA Medical Center, Augusta, GA. The requirement is necessary to replace the existing fleet of beds in the critical Care unit. Brand Name Only.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for Critical Care Beds 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:** The Charlie Norwood VA Medical Center seeks to replace the existing fleet of 22 Critical Care Unit (CCU) beds. The Contractor shall provide 22 each, Hill Rom Brand Intensive/Critical Care Bed frames and surfaces with Percussion and Vibration therapy, full chair position with end of bed (chair) egress, stay in place technology, and powered steering motorized transport as critical clinical requirements. This is a turn-key replacement project (includes delivery, assembly, equipment, hardware, operational testing, staff training and removal of 22 trade-in critical care beds (turn-in model # P1900H006209). This is a one-time buy.

The estimated value of the proposed action is \$.

The estimated delivery date is 1/15/2018.

Requirement Description:

| | | | |
|---------|--------------------------------------|----|----|
| PRO-885 | Hill-Rom Progress Critical Care beds | 22 | EA |
| PRO-SNC | Nurse call in side rail | 22 | EA |
| PRO-ID | Intellidrive with 6" Casters | 22 | EA |
| PRO-LH | Permanent IV Pole Left Side | 22 | EA |
| PRO-TS | Transport Shelf | 22 | EA |

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

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

() (2) Unusual and Compelling Urgency per FAR 6.302-2;

() (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;

() (4) International Agreement per FAR 6.302-4

OFOC SOP Revision 06

Original Date: 03/22/11

Revision 06 Date: 08/30/2017

Redacted

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- () (5) Authorized or Required by Statute FAR 6.302-5;
- () (6) National Security per FAR 6.302-6;
- () (7) Public Interest per FAR 6.302-7;

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):

(1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1. - Fedco, LLC., an authorized distributor of Hill Rom Products is the only SDVOSB capable of providing the supplies or services required at the level of quality, the supplies or services are unique or highly specialized. It is essential that the following clinical specifications are required for critical patients in this highest acuity level CCU/ICU area: Percussion and Vibration therapy, full chair position with end of bed (chair) egress, stay in place technology, powered steering motorized transport, size of beds (length and width) and a motorized foot extension that could be 'pulled in' during transport. The new Progressa beds is essentially an upgraded version of the existing beds, which are now obsolete. Due to the similarities of the beds, the learning curve for staff training will be lower than average and will take less time to transition. The Contractor is offering a trade-in for the old beds valued at \$_____ each towards the purchase of a new Hill Rom Progressa bed. A credit will be issued if the trade-in products are received and accepted by Hill Rom within 30 days. Accordingly, Fedco, LLC., is capable of providing the supplies described in Section 3 above without the Veteran's Health Administration experiencing substantial 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:

1. IAW Veterans First Policy and the rule of two, the VIP search resulted in 45 SDVOSBs using NAICS 339113 and keyword "patient beds".
2. An email sent on 12/12/2017 to 29 of the 45 SDVOSB's in VIP, resulted in 4 SDVOSB responses. Only 1 of the 4 SDVOSBs was capable of providing the Hill Rom brand product. Based on the information from the market research, an effort was made from as many verified SDVOSB's possible. Also, the NAICS 339113 has been identified on the class waiver non-manufacturer rule list, effective July 7, 2006.

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

In accordance with FAR 13.106-3(b)(2), the comparison to the IGCE of \$_____ and the anticipated price to the Government of \$_____, is a difference of \$_____. The Contractor is offering a trade-in for the old beds valued at \$_____ each, on a one for one basis, towards the purchase of a new Hill Rom Progressa bed. A total credit of \$_____ will be issued when all the trade-in products are received and accepted by Hill Rom within 30 days. Trade-in considerations will provide the overall best value for government by decreasing the anticipated price from \$_____ to \$765,358.00. Therefore, it is determined that the anticipated price of \$_____ will be fair and

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reasonable based on the IGCE and market research, whereby only one response was received from verified SDVOSBs.

| | Before Trade-in | Trade-in Value | After Trade-in |
|--------------------|-----------------|----------------|----------------|
| IGCE | \$, - | \$, beds | |
| Contractor's Price | | \$, beds | |
| Total Savings | | | |

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

Service-line Market Research with the assistance of Logistics is as follows:

A Request for Information (RFI) was sent out by CNVAMC Logistics via GSA Advantage (RFQ1173844, issue date 2/28/17), to identify vendors capable of providing our defined needs in critical care/intensive care beds at the CNVAMC. Five vendors responded to the RFI with their product information. The motorized transport with steering is a critical requirement to transport patient safely throughout the medical center (patient and staff safety). Also, the low air loss mattress weight-based pressure redistribution, that the mattress/frame must have Percussion and Vibration, the Continuous lateral rotation therapy (CLRT), and a weight capacity up to 500 pounds. Once the critical requirements were determined, a demonstration of beds meeting the requirements was requested of three vendors (Linet, Stryker, Hill-Rom) that met the motorized transport option and were offered the opportunity to participate in the Intensive Care/Critical Care Demo day. Two of the three companies responded to participate (Stryker and Hill-Rom), and agreed to participate in a 5-day bed trial on the CNVAMC, Critical Care Unit patients. During the 5-Day trial both vendors were available to present their CCU bed and answer questions from the staff. The 5-day bed trial clearly demonstrated that the following clinical specifications are critical and required for the patients in this highest acuity level patient care area are required: Percussion and Vibration therapy, full chair position with end of bed (chair) egress, stay in place technology, and powered steering motorized transport. Of note is the size of both beds (length and width); the Hill-Rom bed had a motorized foot extension that could be 'pulled in' during transport while the Stryker bed was a manual 'on or off' accessory. The Stryker bed was slightly wider and longer making it more difficult to maneuver in and out of doorways and elevators. Additionally, the Stryker side rails offered 'pinch points' that could be a physical hazard to patients and staff, noted during the demonstration and trial. No pricing information was provided.

Contracting Officer Market Research is as follows: IAW Veterans First Policy and the rule of two, the VIP search resulted in 45 SDVOSBs using NAICS 339113 and keyword "patient beds". An email sent on 12/12/2017, to 29 of the 45 SDVOSBs in VIP, resulted in 4 responses as follows: 1 SDVOSB was capable of providing the Hill Rom Brand products; 2 SDVOSB's could not provide the product, and 1 SDVOSB requested consideration to provide an "equal product". A reply was sent to the

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SDVOSB that this requirement is for brand name only and the SDVOSB responded with a "thank-you". Also, the NAICS 339113 has been identified on the class waiver non-manufacturer rule list, effective July 7, 2006.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** This is a turn-key replacement project (includes delivery, assembly, equipment, hardware, operational testing, staff training and removal of 22 trade-in critical care beds (turn-in model # P1900H006209).
10. **Listing of Sources that Expressed, In Writing, an Interest in the Acquisition:**
 1. FEDCO, LLC (SDVOSB) - capable of providing Hill Rom brand products
 2. 1st American Medical Distributors, Inc. (SDVOSB) – unable to provide
 3. Disabled Veterans Hawaii, LLC (SDVOSB) – unable to provide
 4. Alliant Healthcare Products (SDVOSB) – can provide equivalent products
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:**
Charlie Norwood VA Medical center will continue to conduct market research to identify alternate sources that could be considered for competition of future acquisitions.
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.