

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

Acquisition Plan Action ID: VA250-18-AP-0979

- 1. Contracting Activity:** Department of Veterans Affairs,
VISN 10,
Network Contracting Office 10
Dayton VA Medical Center

552-18-2-121-0079
- 2. Nature and/or Description of the Action Being Processed:**
FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for new ventilators with nebulizers 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 current Ventilator equipment in the Dayton VA Medical Center has been certified that it has reached its end of life and is no longer reliable. New systems will allow continued service to veterans. The facility currently needs 10 each, new ventilators with nebulizers to update and replace the aging equipment currently being utilized.
- 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):**
(A) Function to Be Performed:
 - 1) Volume-Limited Ventilation (also called Volume-Controlled or Volume-cycled Ventilation) required to set the peak flow rate, flow pattern, tidal volume, respiratory rate, positive end-expiratory pressure and fraction of inspired oxygen.
 - 2) Modes Controlled Mechanical Ventilation (CMV), Assist Control (AC), Intermittent Mandatory Ventilation (IMV), Synchronized Intermittent Mandatory Ventilation (SIMV), Bipap and Cpap.
 - 3) Volume and Pressure controlled ventilation with automatic Tube Compensation, Autoflow and Volume guarantee, Spontaneous breathing modes, Weaning parameters.
 - 4) Non-Invasive ventilation.
 - 5) Automated weaning with visible display notification of completion of successful spontaneous breathing trail.

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

- 6) Automatic leakage compensation.
- 7) Single patient use CO2 cuvettes.
- 8) Displaying dynamic recognition of compliance and resistance changes.
- 9) Graphical representation of Compliance and Resistance.
- 10) Volumetric CO2 Monitoring.

(B) Performance Required:

Must be able to deliver high performance ventilation capabilities, Comprehensive monitoring and effective treatment function in ICU/Acute care areas.

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

The manufacturer of the requested equipment was contacted and verified Beacon Point a SDVOSB is their authorized distributor. Two other veteran owned small business were found via Vetbiz and contacted through the email addresses found on Vetbiz. One had a negative reponse and the other did not respond. An Intent to Sole Source was also posted to FBO.

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 IGE and market research.

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

Product catalogs online of open market products, GSA, NAC, the National Strategic Sourcing Sharepoint, and Vetbiz were reviewed. Product research determined that there were no other manufacturer or distributor can currently meet the government needs.

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

None

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

Draeger, Inc.	Beacon Point Associates LLC
DUNS: 044549434 CAGE Code: 6L622	DUNS: 078717364 CAGE Code: 6U5B7
3135 Quarry Rd	1216 SW 4th St Ste 4
Telford, PA, 18969-1042 ,	Cape Coral, FL, 33991-2129
UNITED STATES	UNITED STATES

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:

The contracting office along with the medical facility will continue to conduct market research to determine if any new equipment, distributors, or competitors enter the market.

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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.

James Baisden
Administrative Officer, VHA
Dayton VA Medical Center

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
Contracting Officer
NCO 10

- 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
Branch Chief –Supply Team #2
NCO 10