


DEPARTMENT OF VETERANS AFFAIRS

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



Acquisition Plan Action ID: VA246-18-AP-3517

1. **Contracting Activity:** Department of Veterans Affairs, VISN 06, Asheville VA Medical Center, Purchase Request 637-18-1-996-0010
2. **Nature and/or Description of the Action Being Processed:** This procurement is to fulfill a new BRAND NAME ONLY requirement for the HemoSphere™ Hemodynamic Monitoring Platform utilizing a Firm Fixed Price contract vehicle.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This procurement action is to purchase the following items (to be delivered no later than 2 Jun 2018) :

Item Number	Item Description	QTY	U/I
HEMSGOX2-US	HemoSphere™ Advanced Monitoring Platform. Kit contains Models: HEM1, HEMSGM10, HEMOXSC100, HEMBAT10, HEMQG1000, 70CC2, and 193471001	08	EA
HEMOXSC100	HemoSphere™ Oximetry Cable	02	EA
HEMRLSTD1000	HemoSphere™ Roll Stand	08	EA
HEMSGOXTPS12	HEMSGOX2 Total Protection (12 Months)	08	EA
	Total Estimated Value of Acquisition		

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(5), 38 U.S. Code § 8127, as implemented by FAR 6.302-5 (Authorized or Required by Statute). COs may use the non-competitive (sole source) procedures authorized in VAAR 819.7007 or 819.7008 up to \$5,000,000. Check the specific VAAR clause used below:
(X) 819.7007 Sole source awards to a verified service-disabled veteran-owned small business; or
() 819.7008 Sole source awards to a verified veteran-owned small business

5. **Demonstration that the Contractor's Unique Qualifications and/or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

(a) A contracting officer may award a contract to a verified SDVOSB concern using procedures other than competitive procedures provided—
(1) The anticipated award price of the contract (including options) will not exceed \$5 million;
(2) The justification prepared pursuant to FAR 6.302-5(c)(2)(ii)  is posted in accordance with FAR subpart 5.301(d) .

(3) The SDVOSB concern has been determined to be a responsible source with respect to performance; and

(4) In the estimation of the contracting officer, contract award can be made at a fair and reasonable price that offers best value to the Government.

(b) The contracting officer's determination to make a sole source award is a business decision wholly within the discretion of the contracting officer. To ensure that opportunities are available to the broadest number of verified SDVOSBs, this authority is to be used judiciously and only when in the best interest of the Government.

(c) A determination that only one SDVOSB can meet the requirement is not required. However, in accordance with FAR 6.302-5(c)(2)(ii) [§](#), contracts awarded using this authority shall be supported by a written justification and approval described in FAR 6.303 [§](#) and 6.304 [§](#), as applicable.

(d) When conducting a SDVOSB sole source acquisition, the contracting officer shall ensure the business meets eligibility requirements 819.7003.

(e) A procurement requirement estimated to exceed the legislative threshold of \$5 million shall not be split or subdivided to permit the use of this SDVOSB sole source authority.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: Market research revealed that Edwards Lifesciences is the sole source provider of the HemoSphere™ Hemodynamic Monitoring Platform. The monitor is proprietary to Edwards Lifesciences. 1st American Medical Distributors, Inc is a certified SDVOSB and is the only authorized reseller/distributor of Edwards Lifesciences products. While there are other contractors cited in VetBiz.gov, per the authority cited in VAAR Part 819.7007(b), the contracting officer's determination to make a sole-source award is a business decision wholly within the discretion of the contracting officer.e

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable: A review of historical prices on existing or previously awarded contracts for similar items has revealed that, as the sole distributor of Edwards Lifesciences Products, the CO anticipates that the anticipated cost to the Government will be fair and reasonable (as compared to procuring directly from manufacturer).

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Pursuant to FAR Part 10, market research was conducted and the CO reviewed the Vendor Information Pages (VIP) database IAW VAAR Class Deviation 810.001-70 to determine if two or more SDVOSBs, in the appropriate NAICS code, are listed as verified in the VIP database. VIP search resulted in 21 matches under NAICS 339113, however none were authorized distributors of requirements. However, 1st American Medical Distributors, Inc, is a verified SDVOSB as well as an authorized distributor of Edwards Lifesciences products.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: Under the authority of Public law 109-461 and IAW VAAR Part 819.7005 (c), if the contracting officer receives only one acceptable offer at a fair and reasonable price from a verified SDVOSB in response to a SDVOSB set-aside, the contracting officer should make an award to that SDVOSB.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: Edwards Lifesciences, LLC (product manufacturer) and 1st American Medical Distributors, Inc (authorized reseller/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:** There are no barriers to competition as the authority provided under VAAR Part 819.7007 is being utilized.

12. **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.

Matthew R. Gray
Matthew R. Gray
Contract Specialist
NCO 6

20 Feb 2018
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.

Gregory Evans
Gregory D. Evans
NCO 06, Branch Chief, Supply

Feb 20, 2018
Date