

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA241-18-AP-2084

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 1, 1 VA Center, Augusta, ME 04330. VISN 01, Boston VA Medical Center, Clinical Engineering. Purchase Request 523-18-2-7441-0041.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for a firm fixed price contract for Preventative Maintenance Services of Draeger anesthesia machines and vaporizers 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:** Preventative Maintenance per manufacturer specifications for all anesthesia machines and anesthesia vaporizers located at the VA Boston Healthcare System. Equipment includes service for the following equipment : 15 APOLLO DEVICES, 9 D-Vapor 2000 devices, 1 Fabius GS Prem device, 2 Fabius Tiro devices, 8 Vapor, 2000-Iso devices, 18 Vapor 2000-Sevo devices . The total estimated amount is \$194,504.50 for a 12 Month Base Period and 4 - One Year Option Periods.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 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):** These anesthesia machines and vaporizers are used for daily direct patient care in the West Roxbury and Jamaica Plain Operating Rooms during all surgical procedures. Anesthesia Machines and Vaporizers are used to support the administration of anesthesia to patients during surgical procedures. These machines provide a continuous supply of medical gases (oxygen and nitrous oxide) mixed with an accurate concentration of anesthesia vapor (isoflurane, sevoflurane, D-vapor) and delivers to the patient at a safe pressure and flow. Draeger is the only vendor that can provide these parts and specialized service since they are the manufacturer of the equipment and are the only ones with access to OEM parts. Additionally, anyone who works on this equipment requires Draeger specific service training and software which is only offered to Draeger employees.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Several third party anesthesia companies were contacted to see if they were certified to work on this equipment. No 3rd party vendor could service the Draeger Apollo Anesthesia machines (besides OEM Draeger) due to the complexity and requirements of the device.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost will be considered fair and reasonable based _____ on comparison with similar items and based on current commercial price lists.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research completed on GSA found that Draeger Medical does have NAC FSS contract # V797P-4081b, however, this particular service is not available on that contract. Therefore, the PM service and support must be purchased open market from Draeger, a large business.
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:** None
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 because Draeger is the original equipment manufacturer for this equipment and owns proprietary technology that developed the anesthesia machines and vaporizers. The Manufacturer is the only source that can provide the preventative maintenance, repairs and software updates that meet the required specifications. Failure to utilize the manufacturer for these services may result in improper operation of the equipment and jeopardize patient care.
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.

ELENA B.
BUCKLEY
232543

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B. BUCKLEY 232543
Date: 2018.02.13 09:42:25
-05'00'

Name
Title
Facility

Date

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.

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

Tammy A. Davis

~~1408639~~

Tammy Davis

Contracting Officer

NCO 1

Digitally signed by Tammy A.

Davis 1408639

Date: 2018.02.13 10:07:36 -05'00'

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.

Paul E Marvin

916912

Digitally signed by Paul

E Marvin 916912

Date: 2018.02.13

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Paul Marvin

NCO 1 Branch Chief

Date