

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA257-18-AP-3612

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 17 for the Neurology EEG Clinic at the Temple VA Medical Center, 674-18-2-3485-0007
2. **Nature and/or Description of the Action Being Processed:** The Neurology EEG Clinic at the Temple VA Medical Center is requesting a contract for the procurement of a EEG/Sleep Acq Desktop System on a sole source basis from Natus Medical Incorporated.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This acquisition is for the purchase of Two (2) EEG/Sleep Acq Desktop with IP PTZ HD Color/BW Camera on ErgoJust Cart, Two (2) Medical Grade UPS with Isolation - 110V ErgoJust Cart, One (1) EMU40EX with Natus Base, One (1) Brain Monitor, Two (2) Upgrade NeuroWorks 8.x Acquisition Software with Spike / Event and High Res Video, Two (2) Extended Video Monitoring Controllers, Two (2) LED Photic Stimulator, Two (2) MS Word Report Editor for Neuroworks/Sleepworks, Two (2) Computer Provided with Encrypted Hard Drive, Two (2) 24 Inch FP Monitor, One(1) NeuroWorks 8.x Review Software Non-XLTEK PC Pk, One (1) 8 TB Data Server – Rack 24U (NeuroWorks Server License not included), One (1) Upgrade Neuroworks/SleepWorks 8.x Data Server Software,One (1) Citrix Server – Rack (NeuroWorks Citrix Server License not Include), One (1) Upgrade NeuroWorks/SleepWorks 8.x Citrix Software, One (1) Xltek BioMed Training at Natus, One (1) Advanced Care Service Contract – 5 Years, Installation a Training Included to support and improve patient testing in the Neurology EEG Clinic. The estimated contract value of this procurement is \$296,966.35.
4. **Statutory Authority Permitting Other than Full and Open Competition:**

(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
 (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;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The Temple VA Medical Center has Natus EEG machines already installed and in use in the Neurology EEG Testing area at their facility. Previous tests that are in the current system will be transferred over into the new system. Natus has propriety rights to the EEG system. Proprietary letter is included in eCMS briefcase.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** To stimulate competition, an intent to sole source notice will be posted to FBO under 36C25718Q0519 on March 7, 2018 with a closing date of March 21, 2018.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Market research revealed that Natus Medical Incorporated has a VA FSS Contract under V797P-420B, but the majority of line items are not on schedule. Natus Medical Incorporated is the sole distributor, but before an award is made, the Contracting Officer will provide a separate determination for fair and reasonable pricing. The contract specialist will seek any additional and available discounts. Furthermore, numerous Network Contracting Offices have awarded several contracts, on a sole source basis, to Natus Medical Incorporated for the procurement of EEG/Sleep Acq Desktop System. Most recently, Network Contracting Office in Brecksville, OH, awarded on sole source basis, contract VA541A05218 on 09/14/2010 for \$46,234.00. The requirement was an exact match for "EEG/SLEEP ACQ DESKTOP", IAW FAR 13.106(a)(2)(II), price is fair and reasonable based on comparison of proposed prices with prices found reasonable on previous purchases.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted IAW FAR 10.002. It was found that this requirement is commercially available through the commercial marketplace. Pursuant to FAR 8.002 and FAR 8.003, it was found that this requirement could not be entirely fulfilled using mandatory Government sources or other mandatory sources.

Furthermore, key word searches were conducted on GSA Advantage and the VA NAC, it was found that this requirement could not be fulfilled through a strategic source. A key word search of "EEG/Sleep Desktop System" was conducted on the SBA Dynamic Small Business Search Tool. This query returned no results, "No profiles met your search criteria". Lastly, search was also conducted on VIP and retrieved 4436 matches, initial review did not indicate any noteables.

A letter from Natus Medical Incorporated is provided in the procurement briefcase file that states Natus Medical Incorporated is the sole distributor of the EEG/Sleep Acq Desktop System.

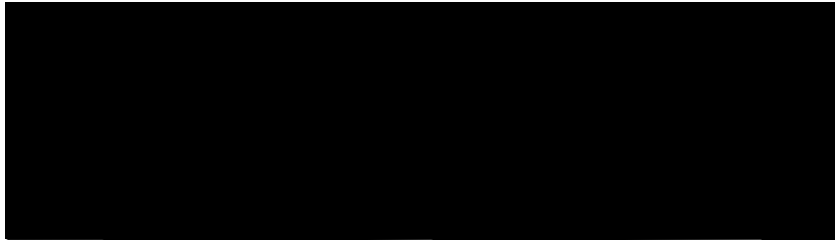
Given these facts, a decision was made by the Contracting Officer to pursue a sole source contract with Natus Medical Incorporated for this acquisition.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** As previously stated, Natus Medical Incorporated is the sole authorized distributor for the EEG/Sleep Acq Desktop System.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No other sources, other than the suggested source, have expressed, in writing, their interest in this acquisition.
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:** Network Contracting Office 17 will work with the Neurology EEG Clinic at the Temple VA Medical Center to continue monitoring the latest trends in EEG/Sleep Desktop Systems development

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,
OFOC SOP Revision 06
Original Date: 03/22/11
Revision 06 Date: 08/30/2017

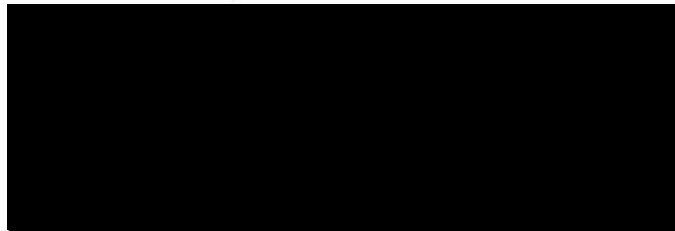
VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Sole Source Justification Format >\$150K

which are included in the justification, are accurate and complete to the best of my knowledge and belief.



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.



- 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.

