

DEPARTMENT OF VETERANS AFFAIRS

**FAR 8 – Justification for Limiting Sources (LSJ)
For
Limiting Sources**

Acquisition Plan Action ID: [REDACTED]

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 06, Hampton VA Medical Center, 100 Emancipation Drive, Hampton, VA 23667. Purchase request number [REDACTED].
- 2. Description of Action:** This is a Brand Name Only requirement for the acquisition of two units of InBody770 Body Composition Analyzer for Richmond VAMC.

Order against: ☒ FSS Contract Number: V797P-2188D

Name of Proposed Contractor: BIOSPACE INC dba INBODY
Street Address: 13850 CERRITOS CORPORATE DRIVE
UNIT C
City, State, Zip: CERRITOS CA 90703
Phone: 323-932-6503

- 3. Description of Supplies or Services:** This request will supply the Richmond VAMC InBody770 Body Composition Analyzers and accessory parts. These units conduct bioelectric impedance analysis (BIA) to measure body composition. It is part of the comprehensive screening and testing process in ALD and post-transplant patients to guide the dietitian in dietary interventions.
The estimated value of the proposed action is [REDACTED]

4. Authority:

ORDER AGAINST FSS: Authority of the Multiple Award Schedule Program, Title III of the Federal Property and Administrative Services Act of 1949 (41 USC 251, et seq.); Title 40 USC 501, Services for Executive Agencies; and Section 803 of the National Defense Authorization Act of 2002 (PL 107-107) and implemented by [FAR 8.405-6](#). Mark the applicable exception:

☐ **An urgent and compelling need exists**, and following the procedures would result in unacceptable delays([FAR 8.405-6\(a\)\(1\)\(i\)\(A\)](#));

☒ **Only one source** is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized; ([FAR 8.405-6\(a\)\(1\)\(i\)\(B\)](#));

☐ In the interest of economy and efficiency, the new work is **a logical follow-on** to an original Federal Supply Schedule order and the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. **The original order was not previously issued under sole-source or limited-sources procedures** ([FAR 8.405-6\(a\)\(1\)\(i\)\(C\)](#)); or

☐ **Items peculiar to one manufacturer.** An item peculiar to one manufacturer can be a particular brand name, product, or a feature of a product, peculiar to one manufacturer). A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer ([FAR 8.405-6\(b\)](#)).

5. **Rational/explanation to support cited authority:** This acquisition is limited to InBody770 Body Composition Analyzer manufactured by Biospace Inc., doing business as InBody. The contractor has an FSS Contract, V797P-2188D, contract end date July 31, 2022. They have no authorized third-party resellers or distributors for their products and services. Biospace Inc representative has submitted a sole source certification stating that there are no substitutes available within the United States. He further asserts that Biospace Inc., receives highest priority in notices of all products updates, technical support, and customer service enhancements from its parent company and the manufacturer of the InBody, Biospace Co. Ltd. In this respect, the company's unique relationship as subsidiary can most effectively furnish the requirements to the exclusion of other sources. The technology employed is proprietary and uses a patented direct segmental multi-frequency bioelectrical impedance analysis (DSM-BIA). Most significantly, the InBody technology is able to isolate the trunk measurement. There is no other BIA product in the market that can do this. This means that all other BIA devices are relying on statistical data based on age and gender to help provide insight into what the test subject's body composition might be, whereas the InBody has the ability to fully measure the body and therefore, know with high accuracy what the test subject's body composition is. When used in conjunction with the DSM-BIA, the InBody excludes variables based upon individual demographics and yields up to 99% reproducibility. This technology is exclusive to the InBody technology and yields highly precise measurements. Due to this acquisition being limited to only one source because of the type of analysis and lack of authorized third parties, it is unable to establish a set aside for an SDVOSB or VOSB. Biospace holds the patent for this type of device and it is compatible with other equipment in use at the Richmond VAMC facility. The rule of two cannot be met for this acquisition.
6. Note that this determination satisfies the requirements of [FAR 8.405-6](#). The requirement to prepare a written justification [IAW FAR 6.303](#) does not apply to Federal Supply Schedules.

