

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)
For
Other Than Full and Open Competition [REDACTED]

Acquisition Plan Action ID: VA256-18-AP-5929

1. **Contracting Activity:** Department of Veterans Affairs, VISN 16, NCO 16, Alexandria VA Health Care System, Pineville, LA. Purchase Request No. 667-18-3-132-0290
2. **Nature and/or Description of the Action Being Processed:** Draeger Infinity Acute Care System (IACS) Monitors used for documentation in medical records for out of OR procedures and used for recovering veteran in Post Anesthesia Care Unit (PACU), during a transport of patient to and from OR, ICU and any other areas needed for monitored patient. The system will seamlessly integrate with the Draeger Innovian Anesthesia Record Keeping system recently installed at the Overton Brook VAMC, Shreveport, LA. The action will be awarded as a new firm fixed price contract. This an individual J&A for "brand name" to support one contract action.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for purchase of "Brand Name" Draeger IACS Monitors to support our existing Draeger Anesthesia Record Keeping System (ARK) in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501- Special Documentation Requirements (a) Sole source (including brand name) acquisition, 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:** Infinity Acute Care System monitors manufactured by Draeger with limited authorized SDVOSB distributors. The total estimated value is \$171,1151.76. The estimated delivery date is 60 calendar days after receipt of order.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(1), as implemented by FAR 6.302-1. The specific paragraph must be cited. Most likely, only the -1 or -2 authorities will be cited. Please be aware that failure to adequately plan for future requirements does not constitute appropriate use of the unusual and compelling urgency statutory authority.

Not Applicable:

- () (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;

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).

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 Overton Brook VAMC's Post Anesthesia Care Unit, clinic, and OR currently has in operation, the Draeger Anesthesia Record Keeping (ARK) System and Draeger Monitors. The Draeger Monitors is the chosen monitors within VISN 16 to be used with the record keeping systems. The monitors are able to communicate and work in conjunction with the ARK. The monitors are the cornerstone of Draeger's solution. The system will seamlessly integrate with the Innovian ARK system that was installed at the medical center in 2017. These monitors are currently used with anesthetized veterans. Therefore keeping with the same system presents a cost savings versus converting to another monitoring system.

The use of the brand name, Draeger, is essential to the Government's requirement. It ensures compatibility and interchangeable with the existing Draeger equipment. It eliminates the use of another manufacturer's brand which could result in thousands of dollar in duplicate cost and the VAMC stuck with an existing inventory of useless equipment because they fail to communicate and integrate with the existing system.

Finally, market research of the Draeger brand name product indicates there are at least two or more Service Disabled Veteran Owned Small Business (SDVOSB). This supports the decision to solicit open market on Federal Business Opportunity (FBO) as a SDVOSB set-aside.


6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A search under NAICS Code 339112 indicates there are at least 2 or more "verified" SDVOSB in VETBIZ/VIP. Furthermore, historical data through customer experience indicates that there are SDVOSB authorized distributors of the Draeger products. Based on market research it is considered to be in the best interest of the Government to solicit by issuing a "brand name only" request for quotation (RFQ) on Federal Business Opportunity. The RFQ will be issued as a SDVOSB set-aside.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The basis of cost fair and reasonableness will be comparison of competitive offers received in response to the RFQ.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** In accordance with FAR Part 10 Market Research was conducted and research indicates there are SDVOSB distributors.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Not Applicable.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** The following source expressed interest:

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:

This requirement is associated with an existing brand name (Draeger) which the medical center is currently using in their Post Anesthesia Care Unit. No action is required to remove or overcome barriers at this time.

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.

(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)



Name **Ramon Romero, M.D.**
Title **Chief, Surgical Service**
Facility _____

4/11/2018

Date

12. Approvals in accordance with the VHAPM Part 806.3 OFOC SOP: *This part is filled out by Contracting Staff as part of the Justification*

- 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.

Lonest Bonton
NCO 16, Contracting Officer
DIV II – Supply Team C

Date

- b. **One Level Above the Contracting Officer (** [REDACTED] **)** I certify the justification meets requirements for other than full and open competition.

Renata Ott
NCO 16, Branch Chief
DIV II – Supply Team C

Date