

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID: VA242-18-AP-4689**

**1. Contracting Activity and Agency:**

Department of Veterans Affairs  
Network Contracting Office 2  
76 Veterans Avenue  
Bath, NY 14810

Department of Veterans Affairs  
VA Medical Center  
800 Irving Avenue  
Syracuse, NY 13210

VISN 02

- 2. Nature and/or Description of the Action Being Processed:** The Department of Veterans Affairs, Network Contracting Office 2, and the VA Medical Center in Syracuse, NY, anticipate a new, single manufacturer (brand name only per FAR 6.302-1(c), firm fixed price procurement action for patient environmental control units (ECU) for Spinal Cord Injury patients. The units requested will be an upgrade to existing ECUs as well as additional units required due to an increase in demand for this specialized equipment.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:**

Purchase and install 23 matching *AutonoME* PECU hospital environment control systems including medical grade grid pad tablet PC with grid 3 software and custom *autonoME* gridset. Additionally, an upgrade to seven (7) existing environmental control units is required to ensure all technology is uniform throughout the Spinal Cord Injury (SCI) unit. Environmental control units are used to control the bed, lights, television, nurse call, and are used as communication devices by veterans with limited movement and who are unable to speak. The complete package will include 30 tablet computers with all the hardware for mounting and controlling the environment via voice, sip-n-puff, or switch access to be included as well as eight (8) eye gaze input devices for Veterans with ALS and high-level spinal cord injuries. Includes installation and training for staff.

**4. Statutory Authority Permitting Other than Full and Open Competition:**

- (X) (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):**

Accessibility Services Inc. is the manufacturer and sole source provider for the *AutonoME* environmental control units. This is specialized equipment used for Veterans with injuries or diagnosis that significantly limit their function due to paralysis. They do not sell through dealers or distributors, but only directly to the VA. The Syracuse VA presently has 7 *AutonoME* environmental control units and the additional purchase, due to the expansion of the SCI unit will ensure identical equipment throughout the unit for consistency for the Veterans should they have multiple admissions, as well as for staff training and biomedical/maintenance purposes. The Syracuse VAMC ATPT (Assistive Technology Physical Therapist) with 25 years of assistive technology experience researched all ECUs available and reached out to a number of VA facilities and Spinal Cord Injury Centers. The *AutonoME* environmental control units are the most appropriate for the population at the Syracuse VAMC Spinal Cord Injury Center. The Spinal Cord Injury population has specialized needs that can be addressed with the *AutonoME* environmental control units.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

Contracting Officer has determined that a brand name requirement is justified per the the information provided in paragraphs 5, 8, and 9. A Notice of Intent to Sole Source will be posted advising vendors in Classification Code 65 (medical equipment) of the intent to purchase the items on a brand name only basis per FAR 6.302-1(c).

**7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:**

If proposals for similar equipment from other vendors is received, or if more than one offer for the *AutonoME* equipment is received, the proposals will be compared against one another as well and/or the Independent Government Cost Estimate (IGCE) and a fair and reasonable pricing determination will be made. If only one offer is received, the contracting officer will request pricing data from the vendor pertaining to previous awards to VA facilities and a price analysis will be conducted to determine fair and reasonable in accordance with FAR 6.303-2(b)(7).

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

A Veterans Information Program (VIP) vetbiz.gov search was conducted using the key words "autonome" and "spinal cord injury" resulted in zero vendors identified.

An extensive FPDS-NG search was conducted and CO determines that *AutonoME* is the VA standard for patient Environmental Control Units. CO discovered several instances of "sole source" procurements as well as small business set-asides and in each case only one (1) offer was received. Additionally, CO discovered an approved \$2.7M blanket purchase agreement (BPA) awarded to the preferred vendor, Accessibility Services, Inc. for the procurement of the brand name *AutonoME* Environmental Control Units (ECUs) and associated installation, configuration, acceptance testing and training for installation at eight (8) VA Medical Centers across the continental U.S. and optional task for additional ECU components and training. The period of performance for this BPA was one 6-month base task, with one subsequent 6-month option period, and 4 optional tasks.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:**

Using service provided letter from Accessibility Services, Inc. that states the following:

"As the developer and sole source provider of the *AutonoME* line of environmental control units we are happy to provide disabled veterans the independence that comes with being able to control their environment and supplement nursing care for more than 25 years. We do not sell our systems through dealers or distributors, but only direct to the VA."

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

Accessibility Services, Inc.

**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:**

In this instance, CO determines that a brand name requirement is valid and appropriately justified.