

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval (J&A) For Other Than Full and Open Competition (>SAT)

Acquisition Plan Action ID: VA246-18-AP-3688

1. **Contracting Activity:** Department of Veterans Affairs, VISN 06, Hampton VA Medical Center, 100 Emancipation Drive, Hampton VA 23667
2. **Nature and/or Description of the Action Being Processed:** This is a justification for other than full and open competition being executed IAW the authority of VAAR 819-7007 Sole Source Awards to a Verified Service-Disabled Veteran Owned Small Business. This action will provide a contract to the Asheville VAMC for delivery of brand-name Alice NightOne Sleep Systems.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This procurement will provide the Asheville VAMC with an additional 70 (seventy) Alice NightOne Sleep Testing Systems to add to their current inventory of 50 (fifty) devices. This procurement will allow the Asheville VAMC to meet the increased demands of their Sleep Disorder Center, thus improving access to care. The Asheville VAMC conducts Sleep Disorder clinics with patients and continuity of training equipment is crucial to the program's success; thus, the need for the brand-name Alice NightOne Sleep Testing Systems.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(5), 38 U.S. Code § 8127, as implemented by FAR 6.302-5 (Authorized or Required by Statute). COs may use the non-competitive (sole source) procedures authorized in VAAR 819.7007 or 819.7008 up to \$5,000,000. Check the specific VAAR clause used below:  
(X) 819.7007 Sole source awards to a verified service-disabled veteran-owned small business; or  
( ) 819.7008 Sole source awards to a verified veteran-owned small business
5. **Demonstration that the Contractor's Unique Qualifications and/or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Market research indicates that the manufacturer, Philips Respironics, has appointed First Nation Group (FNG)/SDVOSB (DUNS: 078875731) as the exclusive VA supplier of its Sleep and Respiratory Care products.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The Alice NightOne Sleep Test System is proprietary to Philips Respironics and First Nation Group, a CVE SDVOSB is the exclusive reseller to the VA.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer anticipates that a fair and reasonable price will be obtained prior to award. The procurement history for like items will provide the basis for a fair and reasonable determination.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research efforts involved reviewing past purchases/contracts for like items. The past two procurements from this agency were advertised as brand-name or equal and resulted in several vendors submitting offers. Due to the continuity involved in the classes provided by the Asheville VAMC, an “or equal” item would not suffice for this acquisition. First Nation Group was able to provide a letter dated 1/24/18 announcing them as the exclusive VA supplier of Philips Respironics sleep and respiratory care products.

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

N/A

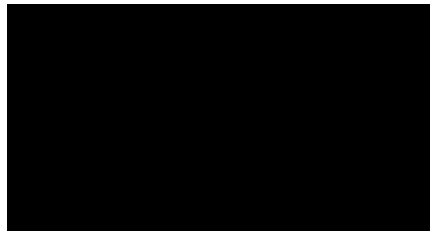
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

First Nation Group  
4566 Highway 20 East, Suite #208  
Niceville, FL 32578-8839  
DUNS: 078875731

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:**

The Asheville VAMC is currently utilizing the Alice NightOne Home Sleep Testing Systems to run their Sleep Disorders clinics and provide care to patients. Having a hodge-podge of devices would affect the clinics ability to conduct training in an efficient manner. Introducing another brand would require multiple systems, additional training demands, as well as increased maintenance and support services. At this point in time, to remove any barriers to competition, the Asheville VAMC would be required to undergo the expensive process of changing systems altogether.

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.



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.

