

Attachment A: Request for Limited Sources Memo Format

LIMITED SOURCES JUSTIFICATION  
ORDER >\$3,000  
FAR PART 8.405-6 (a) (B) & (b) (2)

2237 Transaction # or Vista Equipment Transaction #: 646-12-3-167-0206

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source: Provide original manufacturer's name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: Contractor – Pentax of America, inc.

Manufacturer/Contractor POC & phone number: Brian Dent (800-431-5880) \_\_\_\_\_

Mfgr/Contractor Address: 3 Paragon Drive, Montvale, NJ 07645 \_\_\_\_\_

Dealer/Rep address/phone number: \_\_\_\_\_

☒ The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

VA Pittsburgh Healthcare System

1010 Delafield Road

VISN: 4

Pittsburgh, PA 15215

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

Limited Sources/Sole Source and Brand Name Only Sole Source Justification, I.A.W. FAR 8.405-6 (a) (B) and (b) (2)

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED: \_\_\_\_\_

Pentax HD Video Colonoscopies and Endoscopic Ultrasound Video Gastrosopes

(b) ESTIMATED DOLLAR VALUE: \$178,271.36

(c) REQUIRED DELIVERY DATE: 30 Days After Receipt of Order.

**(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE. (CHECK ALL THAT APPLY AND COMPLETE)**

☒ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

It is essential to the government's needs, to purchase the Pentax of America, Inc. HD Video Colonoscopies and Endoscopic Ultrasound Video Gastrosopes, to add onto the Government's existing Pentax Video Colonoscopes and Endoscopes, processors, that is currently being used for GI procedures in the Ambulatory Surgery Unit of the VA Pittsburgh Healthcare System, and since the Pentax Scopes must be compatible with the above mentioned existing Pentax equipment, and are the only manufacturer Scopes that are compatible with the existing equipment. (See email from Joann Orbin, dated 6/20/2012 under DP03 in the Contract File).

In addition, it is essential to purchase the items from Pentax of America, since they are the sole exclusive seller of the items being purchased. (See emails from Brian Dent of Pentax, in DP03 of the Purchase Request Action Briefcase).

☐ A patent, copyright or proprietary data limits competition. The proprietary data is:

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☐ These are "direct replacements" parts/components for existing equipment.

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☒ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

It is essential to the government's needs, to purchase the Pentax of America, Inc. HD Video Colonoscopies and Endoscopic Ultrasound Video Gastrosopes, to add onto the Government's existing Pentax Video Colonoscopes and Endoscopes, processors, that is currently being used for GI procedures in the Ambulatory Surgery Unit of the VA Pittsburgh Healthcare System, and since the Pentax Scopes must be compatible with the above mentioned existing Pentax equipment, and are the only manufacturer Scopes that are compatible with the existing equipment. (See email from Joann Orbin, dated 6/20/2012 under DP03 in the Contract File).

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☐ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

**(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:**

Per FAR 8.8.404 (d), the Order represents the Best Value, since it was placed I.A.W. procedures at 8.405. In addition, Pentax of America offered a discounted GSA FSS Price. (See email from Brian Dent, in DS23 in the Contract File)

**(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:**

The Items are sold on GSA and are made available for commercial sale for nongovernmental use, and therefore considered to be a Commercial Item.

Furthermore, Queries were done on the GSA E-Library; GSA Advantage; and Google Search, using Pentax of America and the Product Numbers, and there were no other companies that came up in the Queries. (See Query Sheets in DP03 of the Contract File)

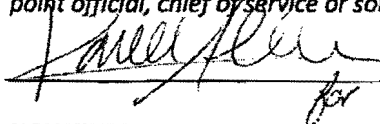
In addition, a Notice of Intent to Sole Source will be posted to Fedbizopps for and E-Buy for 3-5 days, to verify that Pentax of America is the sole exclusive Seller of the items off their GSA Contract, needing purchased.

**7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:**

**(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:**

N/A

**(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

  
for

SIGNATURE

Joann Orbin

NAME

TITLE

DATE

8/16/2012

MSS

SERVICE LINE/SECTION

VAPHS University Drive

FACILITY

**(10) APPROVALS IN ACCORDANCE WITH FAR 8.405-6(h):**

**a. CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
CONTRACTING OFFICER'S SIGNATURE

Ronald Mazzei

NAME AND TITLE

8/16/12  
DATE

HJ Heinz

FACILITY

**HIGHER LEVEL APPROVAL (For orders over \$500,000):** ☐ REQUIRED ☒ NOT REQUIRED

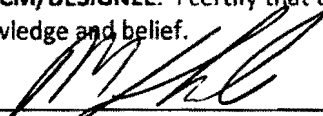
**b. QA OFFICER:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief. *\*This signature may be the VISN NCM/PCM if the Contracting Officer and Contracting Supervisor is the same individual.*

SIGNATURE

DATE

NAME AND TITLE

c. NCM/DESIGNEE: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

 By Dir  
SIGNATURE

8/16/2012  
DATE

Michael J. Lambo  
NAME  
VISN X NCM