

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>\$150K)

Brand Name Only Justification

Acquisition Plan Action ID: VA261-18-AP-8688

- Contracting Activity:** Department of Veterans Affairs, VISN 21, Palo Alto Medical Center: Network Contracting Officer (NCO 21), 3801 Miranda Ave., Bldg. T-50, Palo Alto, CA 94304.
2237: 640-18-3-534-0121
- Nature and/or Description of the Action Being Processed:** This procurement is for Midmark power exam tables (626/630/647) in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and, specifically FAR 13.501 Special Documentation Requirements, 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. The Midmark power exam tables (626/630/647) are for the new San Jose Community Based Outpatient Clinic (CBOC). The anticipated contract will be a firm-fixed-price contract, and funded by Activations Major Projects Section, Office of Facility Planning and Development.
- Description of Supplies/Services Required to Meet the Agency's Needs:** The purpose of the Midmark examination, procedure, and podiatry chairs/tables are medical equipment used to support patients during medical examinations. This equipment is needed to support Ambulatory Care at the new San Jose Outpatient Clinic. Below is a list of the items.

ITEM NUMBER	DESCRIPTION SUPPLIES/SERVICES	UNIT PRICE	QUANTITY
0001	Midmark 626 Power Exam Tables w/ Scale, Recessed Rollers, Drawer Heater, Pelvic Tilt, Electrical Receptacle Base, and Ultra Free Upholstery LOCAL STOCK NUMBER: 626-003	44.00	EA
0002	Patient Support Rails (for Midmark 626 Exam Chair) LOCAL STOCK NUMBER: 9A60002	8.00	EA
0003	Midmark 630 Human Form Power Procedure Chairs, Programmable w/ Rotational Base and Ultra Free Upholstery LOCAL STOCK NUMBER: 630-022	10.00	EA

0004

3.00 EA

Midmark 647 Power Podiatry Procedure Chairs, Programmable w/ Rotational Base, Ultra Free Upholstery, and Plastic Protective Foot Cover
LOCAL STOCK NUMBER: 647-004

0005

1.00 JB

Management Services (project coordination - single point of contact)

0006

1.00 JB

Installation Services (delivery to site, set-in-place setup, functional testing, cleanup, etc.)

Total estimated contract price [REDACTED]

4. **Statutory Authority Permitting Other than Full and Open Competition:** 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 authority cited in paragraph 4 is essential to the Government's requirement, thereby precluding consideration of a product manufactured by another company. Accordingly, Midmark products are the only products capable of providing the supplies as described in Section III above.

Basic ADA guidelines provide a minimum exam table height of 17-19". The facility is requesting a patient exam table whose minimum height is 15.5", and is based upon the VA patient population of veterans with lower extremity amputations (LEA), injuries, and impairments. Providing veterans with such ailments an exam table whose minimum height is 15.5" from the ground aides in patient transfer from a wheelchair and/or other transportation device.

An exam table with a built-in scale provides a more accurate weight assessment of veterans with LEA's, injuries, and impairments. Patient care staff can determine the veterans weight without having to deduct the weight of a wheelchair and/or other transportation type device as when weighting a patient on a scale designed for wheelchair. The built-in scales also have the ability to determine body mass index (BMI) which electronically transfer to patient files.

The wireless controls help prevent human error in calculating patient weights and the transfer of information to the patients record; and is a necessary function to provide optimum care to veterans.


Recessed casters are a desired capability to enable staff the ability to move patient exam tables without having to schedule movers each time an exam tables needs to be moved, rotated etc.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A solicitation will be posted to Federal Business Opportunities (FBO) as a Service Disabled Veteran-Owned Small Business (SDVOSB) set-aside.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**
There are four (4) known Service Disabled Veteran-Owned Small Business (SDVOSB) authorized distributors. This action will be competed on FBO as a SDVOSB set-aside. Pricing will be determined upon competition.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted by the Contracting Officer and the technical experts that will be utilizing the power exam tables to determine if any other manufacturers could provide a similar product.

An internet search was conducted to identify other manufacturers that could provide the necessary requirements for the patient exam tables. The Contracting Officer was unable to find another manufacturer that provided an exam table that reached below the minimum ADA height of 17", provided wireless controls, and included a built-in scale.

Based upon the above information, the Midmark power exam tables are the only patient exam tables that meet the Governments need.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** This justification is limiting the brand name only.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** To date, one other vendor has stated interest in this requirement, but have stated their product is an "equal to" product and as the salients are currently written, do not allow for their product to meet the salient characteristics and customer need.
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 contract action will be synopsized on FBO within 14 days of award. All acquisitions for this equipment and/or services will continue to be advertised by placing a Notice of Intent to Limit the Brand Name with synopsis of requirement on FBO. Until another manufacturer develops technology to fulfill the requirements, a limited sources contract for this equipment will be required. Market research can be conducted for subsequent procurements to determine if there are any changes in comparable technology by potential manufacturers.
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.


William McGurk
Chief, Major Projects Section, Office of Facility P&D
VA Palo Alto Health Care System (VAPAHCS)

Date 7/6/2018

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.

[REDACTED]

Mandy Thompson
Contracting Officer
Network Contracting Office (NCO 21)

Date

- b. One Level Above the Contracting Officer (Required over SAT but not exceeding \$700K): I certify the justification meets requirements for other than full and open competition.

[REDACTED]

Nicholas Kluch
Branch Chief, Prosthetics
Network Contracting Office (NCO 21)

Date