

**LIMITED SOURCES JUSTIFICATION
ORDERS >\$3,000
FAR PART 8.405-6(f)**

2237 Transaction # or Vista Equipment Transaction #: _

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: Shilston & Associates

Manufacturer/Contractor POC & phone number: Max Hansen IV

Mfgr/Contractor Address: 8497 Spanish Fort Blvd, Spanish Fort, AL 36527

Dealer/Rep address/phone number: N/A

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

1. AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

Supply Chain Management

400 Veterans Avenue, Bldg. 26

Biloxi, MS 39531

VISN: 16

2. NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

The Department of Veterans Affairs proposes to enter into a firm fixed price contract on the basis of other than full and open competition for the purchase of two Skytron 3603 Operating Tables to replace our operating tables that are beyond their lifecycle.

a. A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

Purchase two Skytron 3603 operating tables.

b. ESTIMATED DOLLAR VALUE:

c. REQUIRED DELIVERY DATE:

3. 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.

1. 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;

- a. Only One Responsible Source (FAR 6.302-1) – We already have 2 Skytron 3603 sliding operating tables. Staying with continuity of care, we need to replace the other two operating tables that are beyond their lifecycle.
- b. With all of the accessories that we currently have, getting two more tables where the accessories No other operating tables have a sliding table top.

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

☒ These are “direct” part components for new equipment.

☒ 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.

- a. We already have 2 Skytron 3603 sliding operating tables. Staying with continuity of care, we need to replace the other two operating tables that are beyond their lifecycle.
- b. The VA Prime Vendor does not manufacture these items nor can they provide these items. Internet search for these particular products do not reveal acceptable alternatives.
- b. This vendor is the sole distributor for these products.
- c. As technology becomes available, research will be performed to consider other products that meet or exceed the current requirements. The notice required by FAR 5.201 will be published.

☐ 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.

N/A

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

This is a sole source justification for the requirement to ensure continuation of service for surgical services and compliance of National standards and Veterans Affairs Policy. This service recognizes that the interruption in services would severely hinder patient care and treatment. A delay in receiving the required product could cause further illness and potentially cause a Veteran's death if the Surgical Services section is unable to provide it for surgical patients

4. DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.404(d) TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

Anticipated cost will be considered fair and reasonable and provide the basis for this determination FAR Part 13.106(a). The cost of these monitors is consistent with industry standards for other

facilities. One or all Price analysis techniques will be used to verify that the overall price offered is fair and reasonable:

- a. Comparison of previously proposed prices and contract prices with current proposed prices for the same or similar service.
- b. Comparison of proposed prices with independent Government cost estimates.

Comparison of proposed prices with prices obtained for maintenance services on similar medical equipment or prices obtained for other VA contracts for the same equipment

5. DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

Market research was completed to determine if there is other suppliers available that could provide Skytron 3603 sliding tables. I used the "Rule of 2" by researching to see if a SDVOSB or VOSB could be used however none existed. I also checked to see if this item could be procured from any of the other mandatory sources such as a woman owned business, or any other small businesses and Shilston and associates is the only distributor of the product, holds all intellectual/proprietary rights for the supply items. At this time, there were no other sources available for competition for this unique purchase request.

6. ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

Medical device product and the supplies manufacturing is heavily regulated industry. The Food and Drug Administration (FDA) is the principal healthcare regulatory authority in the United States, having jurisdiction over medical devices, drugs, biologics, and combination products. The paramount objectives driving policy decisions by the FDA are safety and efficacy of healthcare products. For that reason, the manufacturer of the equipment holds all intellectual/proprietary rights to the equipment, associated parts and accessories and its operating system and does not certify or authorize any third party service provider to maintain its products and in many instances to provide the specific stains or chemical components to be used on the equipment.

7. 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:

NONE

8. REQUIREMENTS CERTIFICATION: I certify that the requirement outlined in this justification is a bonafide 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.)*

//S//

6/4/2018

SIGNATURE

DATE

Martin Krecker

Chief of Surgical Services

NAME

TITLE

SERVICE LINE/SECTION

Gulf Coast VA Health Care System, Biloxi, MS 39531

FACILITY

9. 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.

Bennett W. Smith
934403

Digitally signed by Bennett W. Smith
934403
Date: 2018.07.12 14:01:08 -05'00'

7/12/2018

CONTRACTING OFFICER'S SIGNATURE

DATE

Bennett W. Smith, Contracting Officer
NAME AND TITLE

NCO-16
FACILITY

b. **CHIEF P&C:** I certify the justification meets requirements for restricting consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

DATE