

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 580-18-3-167-0326

1. Contracting Activity: Department of Veterans Affairs, VISN 16, Houston Texas Medical Center

2. Nature and/or Description of the Action Being Processed:

This requirement is for 28 Glidescopes Ti Spectrum video laryngoscopes and 10 Glidescope Spectrum smart cables. The requirement is anticipated to be awarded as a new contract and the type of contract as a firm fixed price.

This procurement is for Glidescope Ti Spectrum video laryngoscopes and Glidescope Spectrum smart cables 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.

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

The MEDVAMC is requesting 28 GlideScope Ti Spectrum video laryngoscopes and 10 GlideScope Spectrum smart cables. The GlideScope laryngoscopes are used to help provide a view of the airways to ensure they are clear for medical procedures. In addition, the Smart cables are used to help connect the Video Laryngoscopes to the monitor to display the image. Therefore, the GlideScope laryngoscopes are needed to replace outdated laryngoscopes that no longer work with the current system. Then the smart cables will provide an upgrade to the Laryngoscopes that were recently brought last year to work with the current system. Estimated amount: \$386,200.00

4. Statutory Authority Permitting Other than Full and Open Competition: The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by 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 MEDVAMC is currently using GlideScope video laryngoscopes, however, some of the laryngoscopes are older models and no longer work with the current upgraded system. Therefore, the 28 GlideScope Ti Spectrum video laryngoscopes are requested to replace the older models and the 10 smart cables are to provide an upgrade to the existing laryngoscopes that were recently purchase last year. Additionally, the GlideScope supplies is requested to ensure efficient patient care and

standardization among the operating rooms. If another video laryngoscope was used this would cause delay in patient care, require staff training, and for a new system to be used. Therefore, the above requirement and circumstances deemed only this brand name reasonably acceptable. Per market research detailed below, limited competition can be achieved by competing among small distributors.

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

On Jun 5, 2018, and RFI/Sources Sought was issue on FBO with responses requested by June 13, 2018 and the posting remains available through July 13, 2018 prior to archiving. The intent of the RFI was to 1) Determine the availability of sources who could provide the exact brand name for Verathon GlideScope TI Spectrum and 2) Determine the availability of sources who could provide items determined to be equivalent to Verathon GlideScope Ti Spectrum. The posting was essentially an intent to establish sources and it was stated in the RFI that responses would be used to determine the future formal procurement strategy. In response to the RFI posted to FBO seven (7) responses were received from four (4) SDVOSBs, one (1) Small Business, and two (2) Large Business, which provided the result of other companies that can meet the VA's need. Per this market research this action will be set-aside for SDVOSBs.

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

The final contract price for this requirement will be determine if it's fair and reasonable by comparing all competitive prices to the IGCE.

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

On June 5, 2018, and RFI/Sources Sought was issue on FBO with responses requested by June 13, 2018 and the posting remains available through July 13, 2018 prior to archiving. The intent of the RFI was to 1) Determine the availability of sources who could provide the exact brand name for Verathon GlideScope TI Spectrum and 2) Determine the availability of sources who could provide items determined to be equivalent to Verathon GlideScope Ti Spectrum. The posting was essentially an intent to establish sources and it was stated in the RFI that responses would be used to determine the future formal procurement strategy. In response to the RFI posted to FBO seven (7) responses were received from four (4) SDVOSBs, one (1) Small Business, and two (2) Large Business, which provided the result of other companies that can meet the VA's need. Additionally, the Contract Specialist reviewed the responses and to provide efficient competition, it was determined to compete this requirement among the SDVOSB companies that can provide the exact brand name. However, one (1) of the SDVOSB companies can only provide the equivalent product and this leaves only three (3) SDVOSBs companies that can provide the exact brand name. Therefore, it determined that given market research did reveal other vendors that can provide the exact brand name, it is determined that this requirement will be set-aside for SDVSOBs.

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

None

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

- Veterans Healthcare Supply Solutions
- DGA Medical LLC
- Derrah Morrison Enterprises, LLC

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:

Prior to awarding future acquisitions for the same or similar products additional market research will be conducted to determine if market conditions has change, which will enable competition for new requirements.

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.

Lance Peet

Name: Lance Peet
Title: Program POC
Facility:

6/28/2018

Date

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.

Reuben A. Zepeda 194112 Digitally signed by Reuben A. Zepeda 194112
Reuben A. Zepeda Date: 2018.06.29 14:17:11 -05'00'
Contracting Officer Date

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Sole Source Justification Format >SAT

- 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.

SUSAN E HAYS
1046805

 Digitally signed by SUSAN E HAYS
1046805
Date: 2018.06.29 14:22:48 -05'00'

Susan E. Hays
Chief, Division III
Network Contracting Office 16

Date