

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA261-18-AP-3768

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, VA Northern California Healthcare System, Network Contracting Office, NCO 21, Martinez, CA for VA Palo Alto Healthcare System (VAPAHCS), 2237 PR No. 640-18-2-394-0007.

2. **Nature and/or Description of the Action Being Processed:** This is a new requirement to upgrade the software and associated monitors for twelve (12) existing GE Healthcare Aisys Anesthesia machines for VA Palo Alto Healthcare System (VAPAHCS). This will be a firm-fixed price contract.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for a Brand-Name Only requirement 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:** A new contract to purchase twelve (12) GE Aisys Anesthesia machines and accessories, including physiological monitors, displays and vaporizers is required by the VAPAHCS to upgrade and replace the existing machines that are approaching end of life. The estimated value of this order is \$478,316.49. The estimated delivery date is October 31, 2018.

4. **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;
() (2) Unusual and Compelling Urgency per FAR 6.302-2;
() (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
() (4) International Agreement per FAR 6.302-4
() (5) Authorized or Required by Statute FAR 6.302-5;
() (6) National Security per FAR 6.302-6;
() (7) Public Interest per FAR 6.302-7;

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):** VAPAHCS has a new requirement to upgrade twelve (12) existing GE's Aisys Anesthesia machines and accessories, including physiological monitors, displays and vaporizers that are located at their facility. The Aisys Anesthesia machine is a highly specialized system operated in conjunction with other GE systems. The upgrade will not change the Anesthesia machines main system. This requirement will provide an upgrade to GE's Anesthesia machines latest software system and for the replacement of newer vital sign monitors and accessories that are approaching end of life. The system upgrades must be compatible with the existing GE monitoring systems specifically the ventilator display and vital signs monitors. The GE system upgrade is highly specialized and must be capable of interfacing with GE's network currently in operation in the Post Anesthesia Care Unit at the facility. Since GE Healthcare is the manufacturer of the Aisys machines this is a "Brand Name Only" requirement because GE's networking protocol is proprietary. There is no other manufacturer that can meet GE's technical specifications since it is proprietary information. Only GE and their authorized dealers can satisfy this requirement. This system upgrade will add 3 – 4 years to the life expectancy of the existing Aisys Anesthesia machines. The cost for the GE system upgrade is more cost efficient than replacing the Anesthesia System machines with a new manufacturer. This is a Brand Name Only requirement since GE Healthcare is the manufacturer of the Aisys Anesthesia System and they hold the proprietary rights to the design and manufacture of this system.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** I contacted GE Healthcare's representative and I was provided with their only two authorized distributors; one SDVOSB supplier and one VOSB supplier. I spoke to both suppliers who expressed an interest in participating in the solicitation event. I will post a Veteran Owned Small Business Brand Name Only Set-Aside Combined Synopsis Solicitation on FBO as the method of procurement, since there are two suppliers that qualify under the rule of 2 at the VOSB level.

Name of Offeror	Name and Address of Building
Trillamed, LLC	30100 Telegraph Rd, Bingham Farms, MI 48025
Alko Enterprises	7416 N Broadway Ext Ste H, Oklahoma City, OK 73116

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost/price will be considered fair and reasonable based upon historical prices found reasonable on previous purchases and price competition. The quotes will be evaluated to make sure that the Government is receiving the best value.
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 searching and reviewing VIP, SBA, FBO, FPDS and e CMS. A search on FPDS located previous purchase orders from GE Medical Systems the large business manufacturer; Trillamed LLC, SDVOSB supplier; and Alko Enterprises, VOSB supplier. The GSA website was also reviewed for existing vendors that could provide the stated equipment. It was determined that the product was not available on GSA and that it is only available on an open market basis from three sources. This agency requirement can

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

only be satisfied by the manufacturer GE Healthcare's authorized distributors Trillamed LLC a SDVOSB supplier and Alko Enterprises a VOSB supplier on a Brand Name Only basis.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The system upgrades must be compatible with the existing GE monitoring systems specifically the ventilator displays and vital signs monitors. The GE system upgrade is highly specialized and must be capable of interfacing with GE's proprietary protocol network currently in operation in the Post Anesthesia Care Unit at the facility. GE Healthcare holds all proprietary rights to the design and manufacture of the Aisys Anesthesia System.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Trillamed, LLC, 30100 Telegraph Road, Bingham, MI 48068; and Alko Enterprises, 7416 N. Broadway Ext Ste H, Oklahoma City, OK 73116.
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:** This acquisition will extend the life of Anesthesia System for four years, so there is no additional actions planned.
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.

Submitted documentation with eCMS package

13. **Approvals in accordance with the [VHAPM Part 806.3 OFOC SOP:](#)**

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.

Barbara D. Sentieri 727328 Digitally signed by Barbara D. Sentieri
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Date: 2018.08.14 07:34:08 -07'00'
Barbara Sentieri
Branch Chief, Supply II