

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA249-18-AP-5809

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 09, Memphis VA Medical Center.
2237: 614-19-1-5069-0008.

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

Memphis VAMC has a requirement for full-service maintenance and repairs to include all parts and labor for Arjohuntleigh, Inc. (Arjo) lifts within the facilities. The requirement is for annual inspection and testing required, changing straps every two years, to include deflection testing during yearly inspection as well as when lifts are removed from track for repairs.

This procurement is for full-service maintenance and repairs to include all parts and labor for Arjohuntleigh, Inc. lifts 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 objective of this requirement is to provide safe lifting of patients, and reduce lifting injuries to employees. Arjo shall provide all personnel, transportation, supervision, services, materials, and equipment necessary to provide repair, preventative maintenance, and annual inspections of the Maxi Sky 600/1000 pound ceiling lifts (100), Carendo chairs (9), and Maximove lifts/Tenor lift walkers (19). Services include contractor track load test, and deflection testing per VA Safety Alert AL14-07, including the additional requirements listed on the AL14-7PSA check for corrective and preventive maintenance. The facility leadership requires service beginning 01 October 2018 through 30 September 2019 with four option years. The estimated annual cost is \$271,782.15, and aggregate amount for the five-year contract is \$1,358,910.70.

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.

5. Demonstration that the Contractor's Unique Qualifications and/or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Arjo is the original equipment manufacturer (OEM) of the equipment for this service, and is the only source who has the trained and certified staff to provide the required services. The OEM does not allow other businesses to perform maintenance services on its equipment. Arjo is the manufacturer of the ceiling lifts and the only source for firmware updates, compatible repair parts, equipment and tools for calibration. Arjo requires their technicians to receive certification every two years and the technicians are readily available

when called upon for service.

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

An Intent to Sole Source, 36C24918Q9440, was posted on FedBizOpps on Jun 09, 2018 with responses due by June 18th. Two SDVOSB companies responded, Vandahland and PXI (which originally referenced a Los Angeles VAMC notice). However, Arjo verified via letter that they are the original equipment manufacturer and confirmed that no other businesses were authorized to service the OEM's equipment. The service COR verified that some, not all, of the equipment is still under warranty, as they have purchased additional equipment, and the Arjo technicians are certified every two years to perform the maintenance.

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

The anticipated cost to the Government is considered fair and reasonable due to comparison with similar services and historical pricing. Arjo VA contracts awarded competitively listed on PPIRS were examined and pricing was similar to the Arjo quote for this VAMC. The Contracting Officer's Technical Representative estimated testing and repairs overhead, materials & service, and travel costs when generating the five-year Independent Cost Estimate which was approximately \$3,800 higher than Arjo's annual quote.

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 in accordance with FAR Part 10. VETBIZ was queried and 31 other SDVOSB businesses were identified who could provide similar services, however, none could service these specific equipment items. Research was reviewed on prior contracts identified by viewing PPIRS. Further market research revealed that other VAMC's have sole sourced the same/similar requirement in the past, based on Arjo's status as OEM of the equipment.

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

Research was reviewed on prior contracts and it was revealed that a Sources Sought notice was posted, VA249-15-N-0641, for which one other respondent was determined to be not capable. Arjohuntleigh, Inc., who is the original equipment manufacturer, provided a proprietary letter stating that their field service technicians are the only representatives that are factory trained and certified to provide preventative maintenance, unscheduled service repairs and load testing on Arjo equipment in order to preserve the warranties with such. The service has verified that some of the equipment is still under warranty.

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

Arjohuntleigh, Inc. provided a quote.

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 government could purchase all new equipment from another manufacturer that allows uncertified (by

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

the OEM) technicians to work on their equipment, however, this option would possibly take a considerable amount of investment in new/different equipment. The bulk of the equipment at the VAMC Memphis was purchased in 2012 and the service verified that it is expected to last 10 years with annual preventive maintenance.

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.


Jerome Braggs
Electronic Mechanic Supervisor
VAMC Memphis, TN

8/17/18
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.

Christina B.
Smith 234510
Digitally signed by
Christina B. Smith 234510
Date: 2018.08.21 08:51:43
05'00'

Christina B. Smith
Contracting Officer
NCO 9

08/21/2018
Date

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
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- b. **One Level Above the Contracting Officer (Required over the SAT but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Charles W.
Worsham
918897

Digitally signed by
Charles W. Worsham
918897
Date: 2018.08.21
09:18:25 -05'00'

Charles W. Worsham
Branch Chief, Services Team West
NCO 9

Date

XX Recommend Approval/~~Disapproval~~

Robert M
Kellner 184085

Digitally signed by Robert M Kellner 184085
Date: 2018.08.21 09:24:23 -05'00'

Robert Kellner
Division II Chief, NCO 9

Date

X Recommend Approval/Disapproval

Acting

Susan F.

Nagel 234493

Digitally signed by
Susan F. Nagel 234493
Date: 2018.08.21
14:09:59 -05'00'

8/21/2018

For

Linda S. Greaves
Director of Contracting,
Network Contracting Office 9 (NCO 9)

Date

- c. **VHA SAO HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$68 million) or approve (\$700K to \$68 million) for other than full and open competition.

TERRY L.
SPITZMILLER 394683

Digitally signed by TERRY
L. SPITZMILLER 394683
Date: 2018.08.22 09:06:54
-05'00'

Terry L. Spitzmiller
Acting Executive Director, SAO Central Region

08/21/2018

Date