

**LIMITED SOURCES JUSTIFICATION**

**ORDER >SAT**

**FAR PART 8.405-6**

**Acquisition Plan Action ID: \_VA258-18-AP-1139\_**

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 22, New Mexico Medical Center. Funding document (2237) 501-18-3-119-0117
- 2. Description of Action:** This acquisition is conducted under the authority of the Multiple-Award Schedule Program ([41 U.S.C. 251](#) and [40 U.S.C. 501](#)).

Order against: ☐ FSS Contract Number: \_V797D-50494\_\_

Name of Proposed Contractor: JLS Medical Products Group

Street Address: 6610 Mimosa Lane

City, State, Zip: Dallas, Texas 75230

Phone: 214-960-2681

**3. Description of Supplies or Services: Purchase of (2) Terumo System One Perfusion Systems**

The estimated value of the proposed action is \$647,998.80

These systems will be utilized by hospital staff to temporarily replace the functions of the heart and lungs during cardiac and thoracic surgery procedures for Veterans.

**(4) IDENTIFY THE AUTHORITY AND SUPPORTING RATIONALE (see [8.405-6\(a\)\(1\)\(i\)\(A\)](#), [\(B\)](#), and [\(C\)](#) or [8.405-6\(b\)](#)), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.**

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

☒ Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized; (FAR 8.405-6(a)(1)(i)(B));

- ☐ In the interest of economy and efficiency, 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.
- ☐ Items peculiar to one manufacturer:
- ☐ A patent, copyright or proprietary data limits competition. The proprietary data is: (If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)
  - ☐ These are “direct replacements” parts/components for existing 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.

**(5) 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:**

Per VAAR 819.7007, two VOSB's responded as being able to provide the required items. JLS Medical holds a NAC contract, and PRN, Inc. would offer open market pricing. As such, with JLS Medical holding a NAC contract, their pricing has been determined to be fair and reasonable.

**(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:**

A sources sought notice was posted to FBO and GSA eBuy with a response due date of 7/19/2018 to gain knowledge of potential qualified sources relative to NACIS 339113- Surgical Appliance and Supplies Manufacturing. Research found that a VOSB distributor, JLS Medical Products Group holds a NAC contract, and can provide the items needed. The two other responses came for another VOSB PRN, Inc. which would offer open market pricing, and the final response was a phone call from the Terumo Cardiovascular Group which is a large business.

**(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:**

Note that this determination satisfies the requirements of FAR 8.405-6. The requirement to prepare a written justification IAW FAR 6.303 does not apply to Federal Supply Schedules.

**(8) 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

**(9) 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. 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.

<u>Lee Barton</u>	<u>8/28/2018</u>	
SIGNATURE	DATE	
<u>Lee Barton</u>	<u>Acting, Chief Anesthesia</u>	<u>Anesthesia</u>
NAME	TITLE	SERVICE LINE/SECTION
<u>NMVAHCS</u>		
FACILITY		

**(10) APPROVALS IN ACCORDANCE WITH THE [VHAPM Part 806.3 OFOC SOP](#):**

**a. CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
CONTRACTING OFFICER/DESIGNEE'S SIGNATURE

VHAPM Part 808.405-6 Limiting Sources  
Attachment 2: Request for Limited Sources Justification Format >SAT

**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.

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SIGNATURE

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DATE

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NAME