

DEPARTMENT OF VETERANS AFFAIRS

**FAR 8 – Justification for Limiting Sources (LSJ)
For
Limiting Sources (<\$250K)**

Acquisition Plan Action ID: 36C246-18-AP-3090

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 06, Hampton VA Medical Center, 100 Emancipation Drive, Hampton VA 23667 (PR# 637-19-1-428-0007).
- 2. Description of Action:** The Asheville VAMC is requesting a base + 4 option years contracting vehicle to provide nitric oxide gas on an as needed bases.

Order against: ☐ FSS Contract Number: V797D-60737

Name of Proposed Contractor: INO Therapeutics, LLC
Street Address: 53 Frontage Road
City, State, Zip: Hampton, NJ 08827-9001
Phone: 908-238-6668

3. Description of Supplies or Services:

The estimated value of the proposed action is [REDACTED].

Nitric Oxide Gas is required for respiratory therapy at the Asheville VA Medical Center.

4. Authority:

ORDER AGAINST FSS: Authority of the Multiple Award Schedule Program, Title III of the Federal Property and Administrative Services Act of 1949 (41 USC 251, et seq.); Title 40 USC 501, Services for Executive Agencies; and Section 803 of the National Defense Authorization Act of 2002 (PL 107-107) and implemented by [FAR 8.405-6](#). Mark the applicable exception:

☐ **An urgent and compelling need exists**, and following the procedures would result in unacceptable delays([FAR 8.405-6\(a\)\(1\)\(i\)\(A\)](#));

☒ **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\(a\)\(1\)\(i\)\(B\)](#));

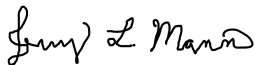
☐ In the interest of economy and efficiency, the new work is **a logical follow-on** to an original Federal Supply Schedule order and the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. **The original order was not previously issued under sole-source or limited-sources procedures** ([FAR 8.405-6\(a\)\(1\)\(i\)\(C\)](#)); or

☐ **Items peculiar to one manufacturer.** An item peculiar to one manufacturer can be a particular brand name, product, or a feature of a product, peculiar to one manufacturer). A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer ([FAR 8.405-6\(b\)](#)).

5. Rational/explanation to support cited authority:

VA FSS Schedule 65 I B, 42-2A applies to this requirement. FSS Schedules 65 and 66 are mandatory sources for medical supplies when required supplies are available on schedule. Nitric oxide is available on Schedule 65 I B, but is only available from one company, INO Therapeutics, LLC (DUNS: 090546628)

- 6.** 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.



JERRY L MANN

Contracting Officer

Date: 9/10/18