

DEPARTMENT OF VETERANS AFFAIRS

FAR 8 – Justification for Limiting Sources (LSJ)  
For  
Limiting Sources (<SAT)

Acquisition Plan Action ID: 36C252-18-AP-0184

1. **Contracting Activity:** Department of Veterans Affairs, VISN 12, Edward J. Hines Medical Center

2. **Description of Action:** DO

Order against:  FSS Contract Number: VA119-16-D-0028

Name of Proposed Contractor: Baxter Healthcare Corp  
Street Address: 1 BAXTER PKWY  
City, State, Zip: Deerfield, IL 60015-4625  
Phone: (224) 948-4649

3. **Description of Supplies or Services:**

The estimated value of the proposed action is \$ \$115,169.94

Nine (9) Phoenix X36 Hemodialysis Machines. Baxter is currently the only vendor that is able to supply this specific model.

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:**

In January 2018 Task Order 36C252-18-J-0353 was awarded by NCO 12 for the exact same equipment. Said Task Order was awarded on a sole-source basis against VA national IDIQ contract VA119-16-D-0028 to Baxter Healthcare Corporation in the amount of \$281,526.52.

IAW VHA Memorandum dated October 6, 2017, titled, "Mandatory Use of Department of Veteran Affairs (VA) National Dialysis Equipment and Software Contracts (VAIQ 7830447)" established national contracts for dialysis equipment and software shall be mandatory sources.

Given the requirement was not found available on VETBIV.GOV or SBA.GOV and that the VA has an established mandatory IDIQ contract for the exact equipment requested, it is the determination of the Government that this procurement be conducted as a sole-source task order against VA Contract VA119-16-D-0028.

**6. BRAND NAME ONLY:** This buy is estimated to exceed \$25,000 and this documentation will be posted along with the RFQ on e-Buy, as required by [FAR 8.405-1\(e\)](#).

**7.** 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.

Joni Dorr  
Contract Specialist  
Date: 08/04/2018

Matthew Zawada  
Contracting Officer  
Date: