

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA242-18-AP-3056

1. **Contracting Activity:** Department of Veterans Affairs, VISN 02, James J. Peters VA Medical Center. Network Contracting Office (NCO2). VA2237 # 526-18-3-099-0191.
2. **Nature and/or Description of the Action Being Processed:** This is a request for review and approval for other than full and open competition for a new contract to upgrade the Environmental Control Units (ECU) for the Spinal Cord Injury (SCI) wards. The planned type contract is firm-fixed-price. This procurement is to upgrade, including installation, of Environmental Control Units (ECU) for long-term care patients with limited functionality in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The upgrade is to replace the wall box components with smaller, more up-to-date components, to replace the tablet with a larger more up-to-date version, to replace the TV, and to replace the wall connections to a single breakaway connection to the bed. The Contractor shall upgrade 48 ECU's that were taken down during the renovation of the SCI wards in the 1E and 1D wing of the JJP VAMC and reinstall them based on the new bedroom layout. The upgrade shall include providing 48 new Care Assist AutonoME junction boxes, 48 new wall boxes for AutonoMe Hospital, and 48 new 13 inch or larger tablets with medical specifications communication aid with rugged body integrated amplification, switch, and other USB access, auditory feedback, Servus environmental control – Grid 3 software. The new equipment must be brand name or equal to Accessibility Services Inc's technology for compatibility purposes with existing ECUs. The total estimated value is \$627,000.00. This procurement does not include options.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(1), as implemented by FAR 6.302-1. The specific paragraph must be cited. Most likely, only the -1 or -2 authorities will be cited. Please be aware that failure to adequately plan for future requirements does not constitute appropriate use of the unusual and compelling urgency statutory authority.

- (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;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Accessibility Services Inc is the Original Equipment Manufacturer (OEM) and exclusive seller of Accessibility Services Inc's ECUs solutions, components, software updates and upgrades. Accessibility Services Inc's ECU System has supported Spinal Cord Injury (SCI) program at JJPVAMC for multiple years and their ECU System is a highly specialized equipment, which already interfaces with Department of Veterans Affairs system. It is more advantageous to sole-source through the OEM than have a new contractor develop a new ECU System which will represent substantial duplication of cost to the government that is not expected to be recovered through competition.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**
 - a. Source Sought Notice posted to FBO from July 27, 2018 to August 10, 2018 returned five (5) results on FBO interested vendors list. Further review of their website and phone inquiries determined that only ACCESSIBILITY SERVICES, INC can upgrade the existing ECU system;
 - b. Notice of Intent to sole source posted to FBO returned zero results;
 - c. Request for Information (RFI) posted to GSA from July 27, 2018 to August 10, 2018 returned one interested contractor; however, this vendor was not able to provide a capability statement for this specific requirement. Further communication found this vendor cannot upgrade the existing ECU system;
 - d. A search on VIP database using key words and NAICS code returned five (5) SDVOSB; however, an email sent to them requesting their capability statements returned zero results; and
 - e. A search on SBA website using NAICS code and key words returned one result. An email sent to this vendor requesting a capability returned no response.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost shall be compared to the IGCE. Also, the Contracting Officer shall seek additional price discounts from ACCESSIBILITY SERVICES, INC. before awarding the contract; however, if unable to obtain any additional discounts, an award will still be made.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research conducted as described in section 6 shows that the requirement is available in Open Market through ACCESSIBILITY SERVICES, INC., the Original Equipment Manufacturer, small business, in FBO.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** ACCESSIBILITY SERVICES, INC., the Original Equipment Manufacturer, stated in writing that their ECU system is not available through any dealers or distributors.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

ACCESSIBILITY SERVICES, INC.
6241 S Tex Point
Homosassa, FL 34448

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: Notice of Intent to sole source was posted to FBO. Additionally, J&A will be posted to FBO so that other contractors are aware of the requirements for future purposes.

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.

(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)

David W Ng
645987

Digitally signed by David
W Ng 645987
Date: 2018.09.06 09:25:30
-04'00'

Name David Ng
Title General Engineer
Facility JJP VAMC

09/06/2018

Date

13. Approvals in accordance with the VHAPM Part 806.3 OFOC SOP: *This part if filled out by Contracting Staff as part of the Justification*

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.

Name: UNGER, LAWRENCE
Title: Branch Chief
Facility

Date

b. **One Level Above the Contracting Officer (Required over SAT but not exceeding \$700K)**: I certify the justification meets requirements for other than full and open competition.

Name: FERRO, IRMA
Title: Division Chief
Facility

Date