

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 664-18-3-062-0016

1. **Contracting Activity:** Department of Veterans Affairs, VISN 22, VA San Diego Healthcare System, Supply Chain Management (90).
2. **Nature and/or Description of the Action Being Processed:**
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 VA San Diego Healthcare System (VASDHS) has an immediate need for 3 Anesthesia Booms equipment, cables, cords, adaptors surgical lights, monitors, and accessories to be installed in coordination with the VA projects department in FY19 for the Cath Lab construction project. The Government intends to award a one-time, firm-fixed-price Purchase Order for this new requirement.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 (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):**
Authorized or Required by Statute (FAR 6.302-5):
FAR 6.302-5 allows for the procurement of items through other than full and open competition; when a statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source, or the agency's need is for a brand name commercial item for authorized resale.

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

Additionally, for purposes of meeting the established goals under subsection 38 U.S.C. 8127(a), and in accordance with subsection 38 U.S.C. 8127(c), a contracting officer of the Department [of Veterans Affairs] may award a contract to a small business concern owned and controlled by veterans using procedures other than competitive procedures if –

- a. Such concern is determined to be a responsible source with respect to performance of such contract opportunity;
- b. The anticipated award price of the contract (including options) will exceed the simplified - acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) but will not exceed \$5,000,000;
- c. In the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

The vendor Alliant Enterprises (DBA “Alliant Healthcare Products”) is a Service-Disabled Veteran Owned Small Business (SDVOSB) contractor as certified by Vetbiz.gov. The excluded parties list was checked in the System for Award Management (SAM) and no active exclusions were found for this SDVOSB. This SDVOSB has a successful record of providing equipment and performing services to several VA Medical Centers.

The vendor has submitted a quote with fair and reasonable pricing as compared to the Independent Government Cost Estimate (IGCE) that was performed by the Using Service. The estimated value of the proposed action is \$265,060.07, which exceeds the simplified acquisition threshold but does not exceed \$5,000,000.00. Therefore, full and open competition will not be provided for and a sole-source award will be made in the open market to Alliant Healthcare at a firm-fixed price IAW FAR 6.302-5, VAAR 819.7007, and by authority of Title 38 – US Code 8127 (c).

6. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** Alliant Healthcare has been selected by Skytron LLC as its exclusive authorized SDVOSB partner for products sold by Skytron. The project was specified for use with Skytron products (as provided by Alliant Healthcare) per the architect’s design. Therefore, no deviation can be used for the measurements or drawings, which would cause change orders, unnecessary delays, and added expenses to the project.
7. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market Research was conducted IAW FAR Part 10. It was determined that there were no other SDVOSB/VOSB vendors that could meet this requirement with the specified Skytron solution within the time frame needed.
8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** This project is a design build. The project was designed using Skytron ceiling mounted surgical boom and specs. Any deviation or substitution towards a different product will cause a change order to the construction project, which will involve an increased price and delay to the project start and finish times. Structural supports and placement within the room have been measured and designed using Skytron products. The project is due to start in September 2018 with a six month compressed building schedule or the current equipment/construction project monies will run out. At the last minute VA projects department ask Cardiology to purchase the Surgical booms from Skytron which they now consider equipment. Skytron needs 4 months to build the equipment, BVB the contractor only has a

