

**LIMITED SOURCES JUSTIFICATION
ORDER > SAT
FAR PART 8.405-6**

Acquisition Plan Action ID: 36C25219AP0093

1. Contracting Activity:

Department of Veterans Affairs
Great Lakes Acquisition Center, NCO-12
115 South 84th Street, Suite 101
Milwaukee, WI 53214-1476

Jesse Brown VAMC
820 South Damen Avenue
Chicago, IL 60612-3728

2237 Number: 537-19-1-969-0002

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). A new, sole source (STRYKER CORPORATION) delivery order for an urgent and compelling requirement for Operating Room Lights and Monitors for the Jesse Brown VAMC, located in Chicago, Illinois.

Order against: (x) FSS Contract Number: V797P4198B
Name of Proposed Contractor: BERCHTOLD CORPORATION
Street Address: 571 Silveron Boulevard
City, State, Zip: Flower Mound, TX 75028
Phone: 877-789-8106

3. Description of Supplies or Services:

BERCHTOLD (STRYKER) CORPORATION brand name only Operating Room Lights and Monitors for all eight (8) of the Jesse Brown VAMC operating rooms. Installation and training is required.

Estimated Value: \$640,010.56.

Estimated Delivery / Completion: 90-days ARO.

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. (CHECK ALL THAT APPLY AND COMPLETE)

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

This procurement is for the replacement of current BERCHTOLD (STRYKER) CORPORATION Surgical Lights and Monitors for all eight of the operating rooms at the Jesse Brown VAMC. The current lighting system has been in place since 2008. A procurement was to be requested in 2019, but the requirement is now an urgent and compelling requirement due to the age of the current equipment, and the risk of failing parts and components. On Friday, September 30, 2018, one of the OR lights in operating room two failed and fell into the sterile

field. The risk is too great to the Veterans to not proceed as an urgent and compelling procurement.

Also, to support clinical safety and current clinical standardization, this requirement shall support the current above ceiling support structure in the OR. The current installed above ceiling structures are manufactured to the required weights and specs of the current BERCHTOLD (STRYKER) CORPORATION lighting systems and meet the required structural specifications of the FT 3103/ F628 LED lights that are being requested. Staying with BERCHTOLD (STRYKER) CORPORATION equipment is the lone solution that will not require substantial structural renovations for each lighting mount in every OR. In addition to the cost savings of an estimated \$74,400.00 by utilizing the existing above ceiling structures specified to the BERCHTOLD (STRYKER) CORPORATION LED Lighting System, other options would require altering and replacing existing above ceiling structure. With the BERCHTOLD (STRYKER) CORPORATION lights, the Jesse Brown VAMC can utilize the same conduit for running cables to the power supply box. The VA would incur unnecessary renovation costs and OR down time of 2-3 days per OR. The facility cannot risk a lengthy OR shutdown. This would disrupt current streamlined and uninterrupted work flow solutions. Continuing with the BERCHTOLD (STRYKER) CORPORATION equipment would alleviate additional operator training requirements, as staff is currently trained on this equipment. Alternative solutions would require new training and implementation of new clinical set up, procedures and protocols. The exact configuration of lights and model numbers is specific to the needs of our surgeons to ensure optimal lighting during surgery. Additionally, BERCHTOLD (STRYKER) CORPORATION monitors are compatible with the current PHILIPS radiology system that is in use in operating room number four. These new monitors would easily fit on the new booms needed for the upgraded lighting system and would integrate with the current PHILIPS radiology system.

() 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;

() 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:

i/a/w: FAR 8.404 (d) Supplies offered on the schedule are listed at fixed prices. Services offered on the schedule are priced either at hourly rates, or at a fixed price for performance of a specific task (e.g., installation, maintenance, and repair). GSA has already determined the prices of supplies and fixed-price services, and rates for services offered at hourly rates, under schedule contracts to be fair and reasonable. Therefore, ordering activities are not required to make a

separate determination of fair and reasonable pricing, except for a price evaluation as required by 8.405-2(d). By placing an order against a schedule contract using the procedures in 8.405, the ordering activity has concluded that the order represents the best value (as defined in FAR 2.101) and results in the lowest overall cost alternative (considering price, special features, administrative costs, etc.) to meet the Government's needs. Although GSA has already negotiated fair and reasonable pricing, ordering activities may seek additional discounts before placing an order (see 8.405-4).

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

VIP search was conducted using the search criteria of NAICS Code: 339113, the search resulted in 376 matches. A second search was conducted using the search criteria of NAICS Code: 339113 and the Keyword: Stryker, the search resulted in one (1) match, an SDVOSB vendor. Ability One website search was conducted; Ability One does not provide the requirement. FSS search conducted, resulting in one FSS contract holder that can provide the full requirement: BERCHTOLD CORPORATION (DUNS: 08-492-6450) – V797P4198B – Other Than Small Business.

Based on the information provided above, it is determined this procurement will be fulfilled by awarding a sole source delivery order to BERCHTOLD CORPORATION, i/a/w: FAR 6.302-2.

7. ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

Non-Manufacturer Rule (NMR): Definition - for small business set-asides, other than for construction or services, any concern proposing to furnish a product that it did not itself manufacture, must furnish the product of a small business manufacturer unless the SBA has granted a waiver. If the IGCE is less than \$250,000.00 the NMR does not apply and a set aside shall be sought. If the IGCE is equal to or greater than \$250,000.00 the NMR applies.

The NMR does apply to this procurement, as SBA has not granted a waiver and the IGCE is greater than \$250,000.00.

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:

n/a

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.

Kari Campos
Administrative Officer, Surgical Service
Jesse Brown VAMC

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.

Thomas H. Chesak

Contracting Officer NCO-12

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.

Daniel Rasmussen

Branch Chief Equipment Team NCO-12