

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 36C246-19-AP-0025

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 06, Hampton VA Medical Center, 100 Emancipation Drive, Hampton, VA 23667 Purchase Request No. 652-19-1-087-0028.
- 2. Description of Action:** The Richmond VAMC is in need of a brand name LINX Acid Reflux Management System. The OEM for this requirement is Torax Medical Inc. (Small Business; DUNS: 137949538).

Order against: FSS Contract Number: V797D-40103

Name of Proposed Contractor: Veteran's Health
Street Address: 777 Main Street, Suite 770
City, State, Zip: Fort Worth, TX 76102
Phone: 1-866-771-7052

- 3. Description of Supplies or Services:** The LINX Acid Reflux Management System is the only FDA approved system of it's kind. The Esophagus sizing tool and LINX magnetic titanium beads will be used in the Richmond OR to began performing surgical interventions in support of treating patients with esophageal reflux who are not responsive to medications.

The estimated value of the proposed action is ██████████

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:

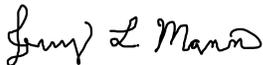
An urgent and compelling need exists, and following the procedures would result in unacceptable delays([FAR 8.405-6\(a\)\(1\)\(i\)\(A\)](#));

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:** Items for this acquisition are proprietary to Torax Medical Inc. Torax has identified Veteran's Health as their SDVOSB authorized reseller/distributor for the VA. Items cannot be procured from any other source.
6. BRAND NAME ONLY: This buy is estimated to exceed \$25,000 and this documentation will be posted along with the Intent to Sole Source and the Award on FBO.
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.



JERRY L MANN

Contracting Officer

Date: 11/9/18