

U.S. DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>SAT)

Acquisition Plan Action ID: 36C245-19-AP-2966

1. **Contracting Activity:** The U.S. Department of Veterans Affairs (VA), VA Capitol Health Care Network (VISN 5), Martinsburg Veterans Affairs Medical Center (VAMC) is fully responsible for the proposed Limited Sources Justification for Hospital Beds Rental services under Purchase Request Number 613-20-1-060-0004.
2. **Nature and/or Description of the Action Being Processed:** Hospital Beds Rental brand name only (Sizewise) is currently being used at the Martinsburg VA Medical Center in direct support of Veteran Patient care. During intensive market research, it was found that the company Sizewise, LLC. has at least two Service-Disabled Veteran Owned Small Businesses (SDVOSB) that are Authorized Distributors. Since the VA meets the "Rule of Two". The Government intends to award a base year plus four one-year option periods firm-fixed price contract for long-term rental services (options may or may not be exercised contingent upon the customer's needs).

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for brand-name (Sizewise) Hospital Bed Rentals in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 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:** Martinsburg VAMC requires the rental of medical furniture for use by Veterans in the hospital. By renting the furniture required, Martinsburg is able to conserve the limited space available to logistics. Furniture is stored and maintained outside of the facility, which also cuts down on man hours needed to clean and service the furniture. Additionally, with a rental agreement, the facility is able to increase or decrease the number of furniture pieces to meet fluxuating need.

In FY18, Martinsburg spent \$425,826.00 in medical furniture rentals. Currently, Martinsburg has spent \$333,412.00 in FY19. This is an ongoing requirement that touches each and every patient that walks in our door.

There could be a result of unacceptable delays in fulfilling agency's requirements if Sizewise Hospital Beds Rental services are not utilized. This specific brand

produced by a single company is required as opposed to allowing free and open competition. These Hospital Beds currently being rented/used are essential to the Government's requirements, thereby precluding consideration of a product manufactured by another company.

Accordingly, Sizewise, LLC. is the only manufacturer found to be capable of providing the supplies and services on a rental basis described above by the requiring activity and nursing staff at the Martinsburg VA Medical Center without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements.

4. Statutory Authority Permitting Other than Full and Open Competition:

- (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;

FAR13.5 Simplified Procedures for Certain Commercial Items: The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2). Modified to reflect that the procedures in FAR subpart 13.5

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Only One Responsible Source (FAR 6.302-1) – There could be a result of unacceptable delays in fulfilling agency's requirements if Sizewise Hospital Beds Rental services are not utilized. This specific brand produced by a single company is required as opposed to allowing free and open competition. These Hospital Beds currently being rented/used are **essential** to the Government's requirements, thereby precluding consideration of a product manufactured by another company.

Accordingly, Sizewise, LLC. is the only manufacturer found to be capable of providing the supplies and services on a rental basis described above by the requiring activity and nursing staff at the Martinsburg VA Medical Center without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: Market Research Findings: Market research showed that there is one (1) small business that can potentially perform the request. A Seeking Sources Notice was posted on GSAebuy on April 9, 2019 with the intent of finding potential sources on Federal Supply Schedule (FSS). Responses to this Seeking Sources Notice must have been received no later April 11, 2019 at 5:00 p.m. (Eastern Standard Time). There were only 45 vendors at the time when the Seeking Sources Notice was posted for FSS Schedule 65 II A/SIN: A-69 (Beds and Mattresses for Medical Use) that can potentially support this effort. Only one (1) Small Business (Kreg Therapeutics) and three (3) large businesses (Arjohuntleigh, Inc., Sizewise Rentals, LLC., and Hill-Rom Company, Inc.) responded to the Seeking Sources Notice in GSAebuy. A Sources Sought Notice was also posted on FedBizOpps to see if there was more potential for SDVOSB/VOSB. I received three (3) emails from Authorized Distributors for the Manufacturer (Sizewise Rentals, LLC.) that are SDVOSBs and are interested in providing the required supplies/services. Based on market research and personal knowledge, this acquisition can be 100% set-aside restricted to SDVOSBs only since there are at least two SDVOSB Authorized Distributors for the Manufacturer. This meets the VA "Rule of Two" requirement.

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable: The CO anticipates costs will be considered fair and reasonable since previous procurement history reflects fair and reasonable prices on multiple contracts.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Market Research Findings: Market research showed that there is one (1) small business that can potentially perform the request. A Seeking Sources Notice was posted on GSAebuy on April 9, 2019 with the intent of finding potential sources on Federal Supply Schedule (FSS). There were only 45 vendors at the time when the Seeking Sources Notice was posted for FSS Schedule 65 II A/SIN: A-69 (Beds and Mattresses for Medical Use) that can potentially support this effort. Only one (1) Small Business (Kreg Therapeutics) and three (3) large businesses (Arjohuntleigh, Inc., Sizewise Rentals, LLC., and Hill-Rom Company, Inc.) responded to the Seeking Sources Notice in GSAebuy. A Sources Sought Notice was also posted on FedBizOpps to see if there was more potential for SDVOSB/VOSB. I received three (3) emails from Authorized Distributors for the Manufacturer (Sizewise Rentals, LLC.) that are SDVOSBs and are interested in providing the required supplies/services. Based on market research and personal knowledge, this acquisition can be 100% set-aside restricted to SDVOSBs only since there are at least two SDVOSB Authorized Distributors for the Manufacturer. This meets the VA "Rule of Two" requirement.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: Specialty hospital beds are needed to meet the needs of veterans that are patients in the hospital for extended periods of time. We are currently having issue with the newly purchase beds that are creating patient safety issue.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

Arjohuntleigh, Inc., Sizewise Rentals, LLC., Hill-Rom Company, Inc., 3T Federal Solutions, LLC. – VIP VetBiz Certified (SDVOSB), WT Services, LLC. – VIP VetBiz Certified (SDVOSB), and DGA Medical, LLC. – VIP VetBiz Certified (SDVOSB), Veterans Healthcare Supply Solutions – VIP VetBiz Certified (SDVOSB).

4. 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:

Sole source effort is required for the planned time duration. Specialty hospital beds are needed to meet the needs of veterans that are patients in the hospital for extended periods of time. We are currently having issue with the newly purchase beds from Joerns that are creating patient safety issue.

5. 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)

Tom Abell
Chief of Logisitics
Martinsburg VAMC

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.

David J. Valenciabonilla
Contracting Officer

- 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.

Brian Palmer
Supervisory Contract Specialist