

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA261-19-3472

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, VA Northern California Healthcare System, RPO, West-Network Contracting Office, NCO 21, Martinez, CA on behalf of the VA Palo Alto Healthcare System (VAPAHCS). 2237 PR No. 640-19-2-163-0066.
2. **Nature and/or Description of the Action Being Processed:** The proposed action is to upgrade the current GE Dash Monitors with updated GE Carescape B650 Monitors, software and associated equipment at the VA Palo Alto Healthcare System (VAPAHCS). The new equipment must be compatible with the current monitoring system. This will be a firm-fixed price contract.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for a Brand-Name Only requirement 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:** Currently VAPAHCS has several Dash 5000 Patient Monitors that are past their replacement date and are showing signs of wear and tear. The monitors are designed to provide patient data for blood pressure, O2 saturation, heart rate, and CO2 monitoring along with other monitor parameters. When a patient is in the ICU, CCU, PACU, or NICU clinicians want to have access to critical data. Monitoring accuracy and efficiency is a must, because patient status can change quickly. Updated monitors, software licenses, and associated equipment and accessories are required by VAPAHCS to upgrade their existing Dash 5000 Patient Monitors that are approaching end of life. The estimated value of this order is . The estimated delivery date is January 31, 2020.

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).

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The Endoscopy Unit at VAPAHCS has a new requirement to upgrade ten (10) existing GE Dash 5000 Patient Monitors that currently reside at their facility. The new Carescape Monitor B650 system upgrade is a highly specialized system that is compatible with the existing GE Dash 5000 Monitors. This requirement is to provide the latest equipment and software updates to their GE patient monitors. The GE monitors used at Palo Alto are all networked together on VA's monitoring system. The facility is only upgrading a portion of the equipment and only GE can perform the upgrade on their equipment. Replacing the old equipment with non-GE equipment isn't an option, because it's clinically important for all the monitors on the monitoring network to be able to bidirectionally communicate with each other and send data to the same electronic medical record (EMR). That requires the monitors to all be the same brand which is GE. Since GE Healthcare Systems Information Technologies is the manufacturer of the Carescape Monitor B650 equipment upgrade this is a "Brand Name Only" requirement. Only GE and their authorized agents can satisfy this requirement.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** I contacted GE Healthcare's representative and I was provided with their only two authorized SDVOSB suppliers. I spoke to both suppliers who expressed an interest in participating in the solicitation event. I will post a Service Disabled Veteran Owned Small Business Brand Name Only Set-Aside Combined Synopsis Solicitation on FBO as the method of procurement, since there are two suppliers that qualify under the rule of 2 at the SDVOSB level.

Name of Offeror	Name and Address of Building
Trillamed, LLC	30100 Telegraph Rd, Bingham Farms, MI 48025
Alko Enterprises	7416 N Broadway Ext Ste H, Oklahoma City, OK 73116

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** I hereby determine that the anticipated cost/price for this contract action will be fair and reasonable based on FAR Subpart 15.4 (Contract Pricing).
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market Research was conducted by searching and reviewing VIP, SBA, FBO, FPDS, VA NAC and e CMS. A search on FPDS located purchase orders from GE Medical Systems the large business manufacturer and Trillamed LLC, a SDVOSB supplier. A search on VA NAC determined that many of the items are on GE's Medical Systems VA NAC contract no. V797P-2239D which expires on 11/30/2019. The GE B650 Carescape Monitor upgrade requirement can only be satisfied by the manufacturer GE Healthcare Systems and their authorized agents Trillamed LLC a SDVOSB supplier and Alko Enterprises a SDVOSB supplier on a Brand Name Only basis.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** GE is accepting trade-ins for the old equipment and the use of the old current licenses which will provide the facility cost savings. The B650 monitor uses the same disposable equipment and patient connection cables as the Dash 5000 monitor.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Trillamed, LLC, 30100 Telegraph Road, Bingham, MI 48068; and Alko Enterprises, 7416 N. Broadway Ext Ste H, Oklahoma City, OK 73116; and Alko Enterprises, Inc, 7416 N. Broadway Ext, Suite H, Oklahoma City, OK 73116. Both are verified SDVOSB suppliers.
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:** This requirement is to upgrade GE Monitors located at the VAPAHCS. Only GE or their authorized agents can perform the upgrades on their equipment.
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.

LINDA M. JOHNSON
335135
Linda M. Johnson
Deputy Chief, Supply Chain Services
VA Palo Alto Health Care System

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JOHNSON 335135
Date: 2019.09.20 12:46:02 -07'00'

09/20/2019
Date

13. **Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:**

- 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.

Deborah D.
Sosa 1397291
Deborah Sosa
Contracting Officer
NCO 21

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Deborah D. Sosa 1397291
Date: 2019.09.20 13:04:45
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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.

Barbara D. Sentieri 727328
Barbara D. Sentieri
Branch Chief, Supply II
NCO 21

Digitally signed by Barbara D. Sentieri
727328
Date: 2019.09.20 13:12:03 -07'00'

Date

