

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION DUE TO SOLE SOURCE REQUIREMENT

REQUIRED INFORMATION

1. FACILITY NUMBER-NAME- CITY, STATE: *00580, Houston VAMC, Houston, TX*

2. VISN OR PROGRAM ACTIVITY: *16*

3. POC NAME AND TELEPHONE NUMBER: *Corey Labbe 7427*

4. PROPOSED ACTION: Brand Name or Sole Source Procurement of: *SERVICE*

5. DESCRIPTION OF REQUIREMENT: This request is to move existing Berchtold lights from OR 5 to OR 10 in preparation for the new hybrid OR. There are no other sources available to move existing lights and still keep the warranty in place. Berchtold is currently used in the OR and consistency will be maintained by moving forward with equipping the new Hybrid OR with the same items. The need is to solicit a contract for Berchtold Operating Room Chromophore Surgical Lighting and TeleTom Equipment Management Systems and the installation of the aforementioned in the Hybrid OR Suite at the MEDVAMC. Installation must be in compliance with the manufacturers recommendations.

- Supplies/Equipment: Technical Characteristics can include, but are not limited to model, make, part number, color, size, quantity, delivery date, etc. Services: Refer to the statement of work, statement of objective, or performance work statement for your description.

6. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION: *Only One Responsible Source Available*

- FAR 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements
- FAR 8.405-6 Limited sources justification and approval
- FAR 13.106-1(B) SAP Requirements – Soliciting From a Single Source. If contracting officer determines that circumstance of contract action deem only one source is considered reasonable available.
- This is a reference to the part of the Federal Acquisition Regulation that allows an item to be purchased without being fully competed. This statement serves as a point of reference in case the justification is questioned. In this case, it would be reviewed for its relativity to this part of the Federal Acquisition Regulation.

7. NATURE & BACKGROUND OF ACQUISITION TO JUSTIFY SOLE SOURCE: *Consistency with current lighting equipment is necessary throughout the OR so that patient care is not compromised. In order to not void any warranty, it necessary to continue to use Berchtold to use the existing lights from OR 5 to install in OR 10 along with the additional new lighting requested for the hybrid OR. Having another vendor handle any moving of and installation of Berchtold equipment will void all product warrantys.*

- Describe the minimum salient characteristics that will meet your needs. This is the area where you explain why no other vendor anywhere can supply this requirement for you. Acceptable reasons for "sole source" include (but are not limited to): bound by contract, technical order specification, warranty service, or regional standardization. If the reason for sole source is determined locally, offer what market research or clinical guidelines led to the decision.

8. PROVIDE INFORMATION SHOWING MARKET RESEARCH WAS CONDUCTED: *see paragraph 5 and 7. Using Berchtold, will keep from voiding any warranty related to the removal and reinstallation of Berchtold lighting from OR 5 to OR 10. It will also maintain consistency in all operating rooms.*

- This justification is for why no other vendor anywhere can supply your item or service and still meet your needs. Your rationale for barring other vendors is crucial to your justification. If you already cited the statutory

reason for a sole source, state, "See paragraph 7". If your rationale for a sole source purchase was determined locally, offer an explanation of the source selection process you went through to determine your sole source requirement. Unacceptable reasons include (but are not limited to) personal taste, good relationship with existing vendor, or one's comfort level with a particular vendor.

- Describe the similarities and differences in vendors for the product that you are aware of that could assist or prevent the purchaser from obtaining the best value for you. Be sure to name the vendors. This section will help the purchaser decide which vendors are available to purchase this item from. If market research was not conducted, state it AND the reason that there was no market research.

9. PRICE ANALYSIS "FAIR AND REASONABLE": *The cost for this service is \$98,885.33. This pricing will be compared to other similar services that this vendor has provided in the past to this VA Hospital.*

- This section is mandatory. Do not leave this section blank. Even though this must be purchased from only one source, you must still obtain a quote from the vendor for this purchase. This way you are able to verify added costs for delivery, your geographic region, or installation. Cite the pricing here. If you purchased this item before, compare this price to what you paid last time. Cite this as well in your answer.

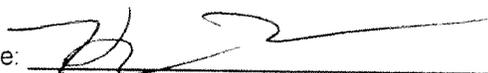
10. LISTING OF SOURCES EXPRESSING INTEREST IN THIS REQUIREMENT: **Berchtold 843.569.6100 x 395,**

- Enter or attach contact information for sources you cited in the description of your source selection. If sole source by statute, regulation, or standard, list contact information for that source here.

11. FUTURE ACTION TO OVERCOME BARRIER TO OTFOC: *Berchtold is the manufacturer of their Dynamic Boom Systems which have unique installation requirements of which they are the only vendor who is able to perform these services due to the manufacturers specifications.*

- This section fulfills the legal requirement to affirm that the selection of a singular source for this requirement is an anomaly and that action will be taken in the future to ensure full competition in the future. The reason this is needed is to describe how the government will make an effort in the future to fully comply with standard acquisition practices and not resort to creating unnecessary partnerships with few vendors at the risk barring full competition to circumvent the FAR. By signing this, you are telling the contracting officer to avoid the processes that assure best value and fairness in this acquisition. If the reason for sole source purchase is because of statute, standard, or regulation, enter "THE SOURCE FOR THIS PURCHASE IS REQUIRED IAW." Cite this as well in your answer.

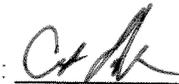
SUBMITTED BY:

Signature: 

Department/Requestor OCL

Date: 2/14/13

SIGNED BY:

Signature: 

Warranted Contracting Officer

Date: 2/14/13

APPROVED BY:

Signature: 

NCM or Product Line Supervisor

Date: 2/14/2013

Note: Anything that is over 500K will need to strictly follow the SOP J&A Attachment.