

LIMITED SOURCES JUSTIFICATION

ORDER >\$3,000

FAR PART 8.405-6

2237 Transaction # or Vista Equipment Transaction #: 695-13-1-969-0032

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source: Provide *original manufacturer's* name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: Technical Communities, Inc.

Manufacturer/Contractor POC & phone number: Matthew McMahon, 888-665-2765 x3706

Mfgr/Contractor Address: 1000 Cherry Ave., San Bruno, CA 94066

Dealer/Rep address/phone number: N/A

The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

Great Lakes Acquisition Center

115 South 84th Street, Milwaukee, WI 53214

NCO: 12

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

Firm-fixed price, limited source justification for the procurement of a dermatological treatment laser and accessories on mandatory Federal Supply Schedule (FSS) 65 II A.

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

The following dermatological treatment laser equipment and accessories are required: one Lumenis UltraPulse Encore TotalFX package, one Lumenis Smoke Evacuator, and one Lumenis Focused Incisional Headpiece.

(b) ESTIMATED DOLLAR VALUE: \$176,207.78

(c) REQUIRED DELIVERY DATE: April 2013

(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), 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)

Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

The Lumenis UltraPulse Encore is the only dermatological treatment laser on mandatory Federal Supply Schedule 65 II A with all of the following required features: up to 240 watts power delivery to tissue during the entire pulse duration, a penetration capability of 4,000 microns or 4.0 mm per pulse, delivery of all energy levels in 0.8ms thermal relaxation time, ablation greater than 24 microns per mJ, and up to 400 density pattern configurations for the clinician.

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.

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.

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

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

The requested Lumeis treatment laser will be used for direct patient care and is the only laser on mandatory FSS which offers the required treatment capabilities identified in Section 4 above. Additionally, the requested items are on FSS contract V797P-4410B. Per FAR Part 8.404(d), pricing has been determined to be fair and reasonable.

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

The requestor(s) surveyed available options on mandatory FSS and were unable to find any other dermatological equipment which meet the requirements of this procurement. Additionally, the Contracting Officer issued a Request for Information (RFI) on eBuy (RFQ765850) to identify other possible sources meeting the requirements of this procurement. No additional sources were identified as a result of this RFI.

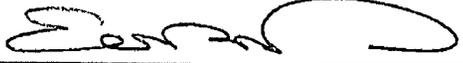
(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

None.

(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:

None.

(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. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*



SIGNATURE DATE 3/18/2013
Edit B. Olasz Section Chief
NAME TITLE SERVICE LINE/SECTION
Milwaukee
FACILITY

