

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION DUE TO SOLE
SOURCE REQUIREMENT (includes brand name only requirements)
REQUIRED INFORMATION**

1. FACILITY NUMBER-NAME- CITY, STATE: 553, John D. Dingell VAMC, DETROIT, MI

2. VISN OR PROGRAM ACTIVITY: 11

3. POC NAME AND TELEPHONE NUMBER: Jay W. Hall 313-576-1257; Casey Thayer 313-576-1000

4. PROPOSED ACTION: Sole Source Procurement of: Construction Material ☒ A-E ☐ (check one)

5. DESCRIPTION OF REQUIREMENT: The Medical Gas Outlets Equipment within the entire Hospital were competed upon original construction and Chemtron brand was chosen. For over 16 years the needed components to support the rebuild of the various outlets has been Chemtron brand. While other manufacturers may use the Chemtron style for compatibility of the patient care accessories that are plugged into these outlets, the innards are not compatible. The innards are proprietary to the Chemtron brand. We require Chemtron Medical Gas Outlets.

- *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: (check one)

Authorized or required by Statute ☐

Brand Name ☒

Limited Sources J/A ☐

Only One Responsible Source Available ☐

Only One Source Reasonably Available ☐

Public Interest ☐

Unusual and Compelling Urgency ☐

National Emergency ☐

- *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*
- *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: The Chemtron medical gas outlets are critical hospital equipment, the failure of which could have serious consequences for patient care. In this regard, it is our assertion that this is a critical need that is related to human safety and affects hospital operations and carries considerable weight. Further, the VA has not acquired technical data rights or rights to manufacturing drawings and processes, specifications, and other technical data pertaining to other manufacturer's medical gas outlets systems. As a result, it is determined that a lack of manufacturing and technical information makes it impossible for the VA to determine whether non-Chemtron components and replacement parts are equivalent to the Chemtron components, and whether non-Chemtron components will compromise the required reliability and effectiveness of the medical gas system as a whole. Potential significant differences in characteristics and usage bar the use of non-Chemtron components. Therefore, it is essential to the Government's requirements to only allow the provision of Chemtron outlet valves, thereby precluding consideration of a product manufactured by another company.

- *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. If this item is included in an allowance standard for War Reserve Materiel (WRM), cite the allowance standard, required source, and stock number for this item. **NOTE FOR WRM PURCHASES:** The Defense Logistics Agency is your primary source for WRM equipment. Be sure to determine availability from a DLA item manager before contracting for WRM equipment. If DLA cannot meet your timelines for WRM equipment, your urgency may be further justification for other than full and open competition. See your Medical Logistics Flight Commander for more details.

8. PROVIDE INFORMATION SHOWING MARKET RESEARCH WAS CONDUCTED: See paragraph 7. Patient Safety could be jeopardized by switching to a different medical gas outlet.

- 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": Chemtron brand has supplied many Hospitals with Medical Gas Outlets, including the JDD VAMC. Chemtron medical gas outlets are similar in price to their competitor's pricing. The pricing offered is consistent with previous quotations and purchases of parts used to support the installed base at JDD VAMC.

- 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 here as well.

10. LISTING OF SOURCES EXPRESSING INTEREST IN THIS REQUIREMENT: Not applicable, Brand Name product only.

- 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: At a future time, when we are renovating all medical gas outlets in the medical center, we will explore all brands.

- 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 the standard here]."

Scott D.

Digitally signed by: Scott D.
Brennan 250586
DN: CN = Scott D. Brennan
250586 O = internal OU = people
Date: 2013.03.05 13:11:30 -05'00'

SUBMITTED BY:

Signature: _____

Department/Requestor _____

Date: 1-28-13

SIGNED BY:

Brennan
250586

Signature: _____

Approved based on apparent interconnectivity and
Warranted Contracting Officer Interoperability with the existing Chemtron system.

Date: _____

APPROVED BY:

Note: Anything that is over 500K will need to strictly

Signature: Deborah Barber

NCM or Product Line Supervisor

Date: 3/5/13

follow the SOP J&A Attachment.