

**DEPARTMENT OF VETERANS AFFAIRS**

**BRAND NAME JUSTIFICATION UNDER SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL ITEMS IN ACCORDANCE WITH FAR 13.5**

[REDACTED]

[REDACTED]

[REDACTED]

1. **Contracting Activity:** Department of Veterans Affairs, VISN 19, Network Contracting Office 19, 6162 South Willow Drive, Greenwood Village, CO 80111

**Organizational Activity:** Oklahoma City VA Medical Center (OKCVAMC), 921 NE 13<sup>th</sup> Street, Oklahoma City, OK 73104

[REDACTED]

2. **Nature and/or Description of the Action Being Processed:** This procurement is for OKCVAMC's requirement for Berchtold OPERON D860 surgical tables 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. The action being reviewed and approved is a Brand Name Justification for a firm-fixed-price Purchase Order for the aforementioned requirement.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Contractor will provide the necessary equipment and accompanying ancillary parts to the OKC VAHCS for seven (7) Berchtold OPERON D860 surgical tables. The system must be the Berchtold OPERON D860 surgical tables. The requirement is for a comprehensive and whole solution to the requirement. The Contractor is required to be an expert in the field of operating room and surgical operating table equipment and requirements for the VA. As such the Contractor is required to include any items not specifically listed in the pricing schedule but is necessary to enable the equipment or accompanying software to function. Examples include installation expenses, VA staff training, equipment mounts, display charts, cables, connectors, plugs, and special equipment wiring requirements. The company will be responsible for replacing any machines that malfunction, break, or are not adequately operating at no additional cost to the VA within the first 12 months of purchase. The company will work with OKC VAHCS Biomedical Engineering Department to coordinate any preventive maintenance or replacement of any machine. Beds must include all attachments and accessories listed in the price schedule.

The estimated delivery date is 30 days after award is issued.

[REDACTED]

**4. Statutory Authority Permitting Restricted Competition:**

FAR 13.5 Simplified Procedures for Certain Commercial Items. The statutory authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. § 1901 and is implemented by FAR 13.106-1(b)(2) for restricting competition on this procurement. **Competition is restricted on this procurement for the reason below:**

- Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements
- Unusual and Compelling Urgency
- Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services
- International Agreement
- Authorized or Required by Statute
- National Security
- Public Interest

**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 Berchtold Operon D860 surgical tables are the only available surgical tables on the market that offer a maximum lifting capacity of 1,250 pounds. An estimated third of Oklahomans are clinically obese. It is crucial to procure surgical tables that include a heavy weight capacity to ensure patient safety and proper standard of care, especially in the extended slide position. Additionally, the Operon D860 surgical tables are the only surgical tables on the market which includes an integrated x-ray channel. An integrated x-ray channel built into the surgical beds mean less time is wasted maintaining and setting up for operating room procedures that require radiography. Time is crucial during emergent cases that require radiography. With an integrated x-ray channel, providers do not need to use bucky/riser boards to utilize flat plate radiographs. This specialized equipment and feature is only provided by the Operon D860. In addition, the Operon D860 comes with interchangeable pieces and accessories with radiolucent properties, as well as a motorized control hand piece.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Competition is expected to be received for this requirement.

**7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** It is anticipated that competition will be received for this requirement. If competition is not received, the CO will conduct price analysis in accordance with FAR 13.106-3(a)(2)

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A detailed copy of the VHAPM Part 810 Market Research SOP can be found on FORCE, which includes all market research conducted for this requirement. Market Research indicates this requirement is available from at least two SDVOSB concerns.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** There are no other facts supporting the use of other than full and open competition.

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

[REDACTED]

**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:** It is anticipated that competition will be obtained for this requirement.

**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.

[REDACTED]

**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.

[REDACTED]

- b. **One Level Above the Contracting Officer (Required over SAT but not exceeding \$750K):** I certify the justification meets requirements for other than full and open competition.

[REDACTED]

c. **One Level Above the Branch Chief (Required over SAT but not exceeding \$750K):** I certify the justification meets requirements for other than full and open competition.

