

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other than Full and Open Competition**

**Contracting Activity:** Department of Veterans Affairs, VISN 2  
Network Contracting Activity (2-90NCA)  
Stratton VA Medical Center, 113 Holland Avenue, Albany, NY 12208  
VA2237 Purchase Requisition #528-13-4-8853-0594

**1. Nature and/or Description of the Action Being Processed:**

This is a request for other than full and open competition for the procurement of emergency repair services to be provided by Emergency Power Industries (EPI), 72 Rockland Road, Weare, NH 03281 for the Department of Veteran Affairs located at the Stratton VA Medical Center, 113 Holland Avenue, Albany, NY 12208. The emergency medical equipment repair shall be performed on the Mitsubishi 2033D Series 80KVA UPS. Their appears to be a burning odor coming from the battery which indicates a fire and life/safety hazard. EPI was able to meet the urgent need and is semi local and has provided maintenance on this piece of equipment in the past. EPI is a responsive and responsible vendor and one of the only vendors in the Northeast to service this type of Mitsubishi UPS. Mitsubishi recommends EPI to perform this service on their UPS batteries that serve the Tomotherapy unit in question. The proposed contract action shall be for a firm fixed-price contact with an estimated repair cost of [REDACTED].

**2. Description of Supplies/Services Required to Meet the Agency's Needs:**

The Albany Medical Center has a requirement for an emergency repair of the Mitsubishi 2033D SERIES 80KVA UPS.

<b>Manufacturer</b>	<b>Model</b>	<b>MODEL #</b>	<b>Serial #</b>
Mitsubishi	2033D	80KVA	067M7130402

**3. Statutory Authority Permitting Other than Full and Open Competition:**

- (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;

4. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

EPI was able to meet the urgent need due to its technician's proximity to the medical center and has provided maintenance on this piece of equipment in the past. EPI is a responsive and responsible vendor and one of the only vendors in the Northeast to service this type of Mitsubishi UPS. UPS protects the Tomotherapy Linear Accelerator from power fluctuations, if it goes down, this leaves the Linear Accelerator unprotected and can greatly impact patient safety.

5. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

The emergency nature of the repair requirement, coupled with the immediate availability of a certified repair company recommended by the OEM eliminates the opportunity for competition for this particular procurement.

6. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

The anticipated price to the Government is ~~95,250.00~~ for the initial repair diagnosis. The Biomedical Engineer at has provided a Government estimate based on their years of expertise within the industry, and has used current fair market prices, historical prices and conditions that can be used to serve as a benchmark against which proposed prices can be compared (FAR 16.202-2(b)). Finally, the Offeror has performed many similar repairs of this type of work previously for the Albany Medical Center.

7. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

No new additional market research was conducted due to the explanation given in #5 above and especially because timely emergency repairs are required.

8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

It is standard within the Medical Equipment Industry that due to the complex equipment involved, service must be provided by authorized technical representatives of the OEM. Mitsubishi has authorized EPI to perform service their UPS units.

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

None.

10. **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:**

A service contract for the emergency repair and maintenance of this specific UPS should be looked into if the Medical Center decides to keep the unit. If the integrity of the unit is such that it is in the best interest of the Government to purchase a new UPS, a warranty and service maintenance agreement will be pursued on the new equipment.

11. **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.



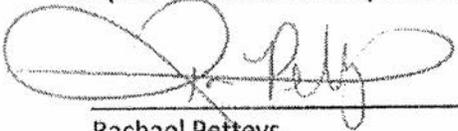
Dave Drexler  
Biomedical Engineer  
Albany VAMC

9/25/13

Date

12. **Approvals in accordance with FAR 6.304**

a. **Contracting Officer's Certification: (required)** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Rachael Petteys  
Contract Specialist  
NCO 2

9/25/13

Date

b. **NCO 2 NCM:** I certify the justification meets requirements for other than full and open competition.



Cherie Widger-Kresge  
Network Contract Manager

09/25/2013

Date