

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval For
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 6, Richmond VA Medical Center (VAMC) intends to execute a Justification for Other than Full and Open Competition, VA Form 2237 652-1-1-657-0058.
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the annual service to the Nurse Call Intercom System to include auxiliary and peripheral devices. This action will be awarded as a new firm fixed price contract for a base year plus four option years.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Richmond VAMC has a requirement for annual service to the Nurse Call Intercom System to include maintaining and repairing the auxiliary and peripheral devices. The total estimated cost for a base year plus four option years is approximately \$375,500. Requirement date March 1, 2013. Period of Performance is as follows:

Base Year March 1, 2013 – February 28, 2014

Option Year 1 March 1, 2014 – February 28, 2015

Option Year 2 March 1, 2015 – February 28, 2016

Option Year 3 March 1, 2016 – February 28, 2017

Option Year 4 March 1, 2017 – February 28, 2018

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(1), as implemented by FAR 6.302-1.

(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;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Richmond VAMC currently has a Nurse Call Intercom System installed and in place, and is utilizing the system for patient care. The Nurse Call System provides information on demand throughout a unit or facility. Staff can be quickly and easily located and patient care service can be immediately assigned. The proposed contractor must be able to maintain the current equipment and software, make necessary software adjustments, and trouble shoot service calls. The current equipment has proprietary software and hardware only available from Simplex Grinnell. They are the only source that can provide maintenance and repair to this equipment due to the restricted computer software that was developed at a private expense, and is a trade secret that is kept confidential and privileged. Currently the equipment for operation of the Nurse Call System is not commercially available, and

only available through Simplex Grinnell. This information concludes Only One Responsible Source (FAR 6.302-1). There would be an adverse effect on patient care if the Nurse Call System is not maintained in operational status.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Efforts were made through market research to identify any other sources capable of offering the requirement maintenance to the Nurse Call System; however, Simplex Grinnell is the proprietor of the technology. Intent to Sole Source was posted on FBO on January 3, 2013, zero response was received. The necessary components for the system to run include circuit boards that are not commercially available.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Specialist determines that the anticipated cost to the Government will be fair and reasonable because an analysis of the costs will be completed prior to award of the contract based on market research.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research conducted by the Contracting Specialist to determine that there is only one responsible source do to propriety software. It was determined that the needed equipment for maintenance of the Nurse Call System is not commercially available. Intent to Sole Source was posted to the Government Pointe of Entry, Federal Business Opportunities and no responses were received. Market research was completed by reviewing historical data, Internet sources, GSA Federal Supply Schedules, and other VA Medical Centers with similar requirements. Intent to Sole Source was posted on FBO, zero response was received.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Delays associated with repair of the intercom system can cause a precarious situation that may cause a delay of patient care. A poorly maintained system and noncurrent software can fail. The solution that is in the best interest of the Government is to award this contract to Simplex Grinnell.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None. See Section VI above.
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:** As there are no other available sources, there are no actions to be taken to overcome barriers to competition. The end user may consider the reinstallation of new equipment with non-proprietary software.