

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval  
For  
Other Than Full and Open Competition

- Contracting Activity:** Department of Veterans Affairs, NCO 23, St. Cloud VA Health care System, 4801 Veterans Drive St. Cloud, MN 56303, 636-14-1-1963-0022. This is a justification for other than full and open competition.
- Nature and/or Description of the Action Being Processed:**  
Firm fixed price purchase order for an upgrade to the existing CareFusion Cephalo SomnoStar V.7 Sleep System to Z4 SomnoStar V.10.2 in Omaha Nebraska.
- Description of Supplies/Services Required to Meet the Agency's Needs:**  
This is a software and hardware upgrade of the existing CareFusion Sleep System in Omaha Nebraska. Approx

Item	Qty
z4 amplifier	4
software license bundle somnostar ver 10	4
gx960 xp somnostar 115v engl	4
ex war- s/star pro - 1 bed - parts, 4yr	4
sleep 2-day onsite upgrade only	1
gateway software w/pc	1
order import module	1
text report export module	1
pdf report export module	1
hl7 configuration fee	1
instr assy respitrace qdc 120v	4

- Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(g), as implemented by FAR 6.302. The specific paragraph must be cited. Most likely, only the -1 or -2 authorities will be cited. Please be aware that failure to adequately plan for future requirements does not constitute appropriate use of the unusual and compelling urgency statutory authority.

- (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;

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

Because CareFusion is the original manufacturer and the only authorized vendor to sell/upgrade their equipment, CareFusion is the only vendor that can upgrade the existing Cephalo SomnoStar V.7 sleep lab system that also interfaces with other sleep systems used for providing patients portable sleep studies.

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

Due to the reason stated in paragraph 5, other sources cannot be solicited.

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

The Contracting Officer will determine the price to be fair and reasonable. Because this is commercially available, it is anticipated that the price will be fair and reasonable.

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

GSA and open market Internet searches were conducted. No other vendors provided compatible sleep lab systems. This was verified through an email with CareFusion that stated they are the only company that is authorized to sell/upgrade their equipment.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None

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:**

Market research will be conducted to determine if other vendors can provide compatible sleep systems for future procurements.

