

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

LIMITED SOURCES JUSTIFICATION

ORDER >\$3,000

FAR PART 8.405-6

2237 Transaction # or Vista Equipment Transaction #: 644-14-1-201-0027

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

**Restricted to the following source:**

Manufacturer/Contractor: Siemens Medical Solutions USA Inc

Manufacturer/Contractor POC & phone number: Kevin Timko (951) 201-9683  
kevin.timko@siemens.com

Manufacturer /Contractor Address: 51 Valley Stream Parkway Malvern, PA 19355-1406

Dealer/Rep address/phone number: Kevin Timko 51 Valley Stream Parkway Malvern, PA 19355-14606  
(951) 201-9683 kevin.timko@siemens.com

The requested material or service represents the minimum requirements of the Government.

**(1) AGENCY AND CONTRACTING ACTIVITY:**

Department of Veterans Affairs  
Phoenix VA Health Care System  
Radiology  
650 E Indian School Road  
Phoenix, AZ 85012-1839  
SAO West NCO 18 El Paso

VISN:

**(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:**

Upgrade the software to the Siemens Medical Solutions USA Inc MAGNETOM Avanto Magnetic Resonance Imaging (MRI) under FSS Contract Number V797P-6029B. The body array coil will add additional imaging for enterography for bowel and ischemia disease, this is now done in Computerized Tomography (CT) scan, with MRI will have better definition and NO radiation. Susceptibility Weight Imaging (SWI) will help with all of our Traumatic Brain Injury (TBI) patients, this will determine acute and sub-acute brain injuries and to pick up microscopic bleeds that we do not see with regular gradient imaging.

**(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:**

The Phoenix VA Healthcare System located in Phoenix, AZ requires software upgrades to the current Siemens Medical Solutions USA Inc MAGNETOM Avanto MRI installed in the Radiology Department.

- Body Matrix Coil # Tim – Part Number 08464815 - **\$24,500.00**

- Susceptibility Weight Imaging (SWI) # Tim – Part Number 14402527 - **\$17,500.00**
- Onsite Training(8 Hours) - **\$2,450.00**

(b) **ESTIMATED DOLLAR VALUE:** \$44,450.00

(c) **REQUIRED DELIVERY DATE:** December 31, 2013

**(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.**

Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

Market research indicates that the software upgrade manufactured by Siemens Medical Solutions USA Inc is proprietary and no other sources were identified capable of providing the software upgrade. The software upgrade is only available directly from ScriptPro.

A patent, copyright or proprietary data limits competition. The proprietary data is:  
(If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

Siemens Medical Solutions USA Inc products are proprietary and only available directly from Siemens Medical Solutions USA Inc. Siemens Medical Solutions USA Inc uses in-house personnel to install the system, train the users, and provide help desk and on-site support. These products are not available through other wholesalers.

These are "direct replacements" parts/components for existing equipment.

Market research indicates that only Siemens Medical Solutions USA Inc software will be compatible with the current Siemens Medical Solutions USA Inc MAGNETOM Avanto MRI.

The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

The software upgrade is available exclusively through Siemens Medical Solutions USA Inc.

The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

**(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:**

The price proposed for the software upgrade was compared with the published FSS Schedule prices.

The published FSS Contract V797P-6029B prices match the prices quoted. The delivery order pricing will be consistent with the FAR 8.404 (d) guidelines. Therefore, the Contracting Officer has determined that the order represents the best value to the government consistent with FAR 8.404 (d).

**(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:**

The Body Array Coil SWI Software is customarily used by the general public or by non-governmental entities for purposes other than governmental purposes. The sources of such supplies provide similar supplies contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government. Based on market research, this requirement meets the definition of a commercial service in accordance with FAR 2.101. This is a commercially available service under NAICS code 334510 – Electromedical and Electrotherapeutic Apparatus Manufacturing.

The Body Array Coil SWI Software is available through required sources of supplies and services under FAR 8.002(a)(1)(v). These items are found under SIN RAD Radiology and Imaging. There are 19 small businesses, 32 other than small, 2 WOSB, 1 VOSB, 0 SDVOSB, 0 Small Disadvantage SB, 0 8a and 0 HUB zone under this SIN.

A Sources Sought notice was issued through FBO under RFI VA258-14-I-0128 on November 22, 2013 with a response date of December 2, 2013. There was only one response which was from Siemens Medical Solutions USA Inc the manufacturer of the equipment.

Market research indicates that the Body Array Coil SWI Software manufactured by Siemens Medical Solutions USA Inc is proprietary and no other sources were identified capable of providing the software upgrade. The software upgrade is only available directly from Siemens Medical Solutions USA Inc. Only Siemens Medical Solutions USA Inc will be compatible with the current Siemens Medical Solutions USA Inc MAGNETOM Avanto MRI.

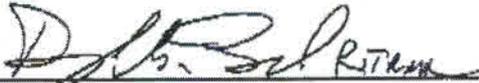
**(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:**

Siemens Medical Solutions USA Inc has successfully provided these products to other VA medical centers. They are the only vendor that can provide the software upgrade to the existence system at the Phoenix VA Health Care System.

**(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:**

Market research indicates that software manufactured by Siemens Medical Solutions USA Inc is proprietary and no other sources were identified capable of providing the software upgrade compatible to the existing MAGNETOM Avanto MRI.

**(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. (This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)

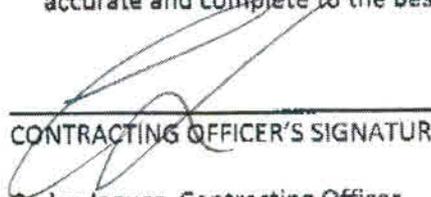
  
SIGNATURE

12/9/13  
DATE

Douglas S. Boyd                      MRI Supervisor                      Radiology Department  
Phoenix VA Health Care System

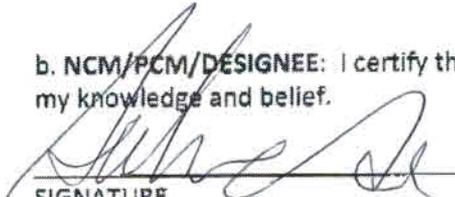
**(10) APPROVALS IN ACCORDANCE WITH FAR 8.405-6(d):**

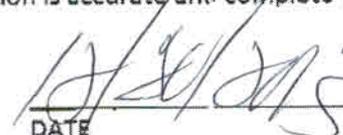
a. **CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
CONTRACTING OFFICER'S SIGNATURE  
Carlos Jaquez, Contracting Officer

12-9-2013  
DATE  
SAO West, NCO 18, El Paso

b. **NCM/PCM/DESIGNEE:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
SIGNATURE

  
DATE

Sabrina J Smith  
VISN 18 NCM / PCM