

Attachment 2: Request for Sole Source Memo Format

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 11, *Aleda E. Lutz VA Medical Center Saginaw's Engineering Division; Biomedical Department* is requesting an urgent preventive maintenance service for the proposed contracting action. The justification for other than full and open competition is to preclude impairment of healthcare delivery capabilities. Purchase request number **655-14-3-113-0310**.
2. **Nature and/or Description of the Action Being Processed:** Preventive Maintenance Service for Saginaw VAMC's AX4280 Urinalysis analyzer (SN: **40602012**, EE# **6630-21742**).
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** *C.A.P. (College of American Pathologist) standards require that all laboratory equipment be annual certified verifying calibration and proper functioning. Delivery of service shall be within one week of award of contract. 4/29/2014* Arkray USA, Inc., 5166 West 76th Street, Minneapolis, MN 55439. Total: \$4,775.32.
4. **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;
  - (X) (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):**

***b. Unusual and Compelling Urgency (FAR 6.302-2, 6.303-2(a)(9)(ii))*** – *Until this analyzer is OEM certified we are unable to guarantee accurate results of patient tests. This does create an adverse impact on our healthcare delivery capabilities by potentially creating erroneous test results which could adversely affect the accuracy of a patient's prognosis.*

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** *Due to the compelling urgency of this repair it is not practical under these circumstances to put forth effort to ensure that this offer is solicited from as many potential sources as possible.*
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** *This anticipated cost (parts and man-hours of labor) is considered fair and reasonable based on similar repairs performed at VISN 11 VAMCs. Danville PO 550-C47035 \$4,150.00.*
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** *Due to the compelling urgency of this repair Market Research was restricted to reviewing online services, questioning the original manufacturer and other Biomedes within our VISN on available options. The original manufacturer (IRIS) sold out to two different companies breaking up the equipment that performs the urinalysis tests. This is one-half of that system which was bought out by the company Arkray.*
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:** *Future actions will be taken to create an annual full service contract for services that will be open to competition.*
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.

*Brian Petrella*

Name Brian Petrella  
 Title Biomedical Equipment Support Specialist  
 Facility Aleda E. Lutz VAMC

04/22/2014

Date

**13. 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.

\_\_\_\_\_  
 Name  
 Title  
 Facility

\_\_\_\_\_  
 Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Name  
Network Contract Manager  
VISN/PCA X

\_\_\_\_\_  
Date

Title  
Facility

- c. **SAO (If over 500K):** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Name  
Director  
Service Area Office, East

\_\_\_\_\_  
Date

- d. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$10million) or approve (\$500K to 10 million) for other than full and open competition.

\_\_\_\_\_  
Name  
Chief Procurement and Logistics Officer  
VHA Head of Contracting Activity (HCA)

\_\_\_\_\_  
Date

- e. **VA Deputy Senior Procurement Executive Approval (over \$10 million but not exceeding \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

\_\_\_\_\_  
C. FORD HEARD  
Deputy Senior Procurement Executive (DSPE)  
Office of Acquisition and Logistics  
Department of Veterans Affairs

\_\_\_\_\_  
Date

- f. **VHA Senior Procurement Executive Approval (over \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

\_\_\_\_\_  
Jan R. Frye  
Deputy Assistant Secretary for Acquisition and Logistics  
Senior Procurement Executive (SPE)  
Department of Veterans Affairs

\_\_\_\_\_  
Date