

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

1. **Contracting Activity:** Department of Veterans Affairs, VISN 8, James A. Haley Medical Center; Purchase Request # 673-13-3-246-0050, ActiveStep Treadmill Annual Maintenance Service Contract

2. **Nature and/or Description of the Action Being Processed:** Renewal of annual service contract for ActiveStep treadmill maintenance and support, currently located at the Mobile Rehabilitation Clinic of the Tampa VA COE (8900 Grand Oak Circle, Tampa, FL, 33637-1022). ActiveStep is a computer-controlled treadmill that simulates common balance challenges such as a bump from behind, a slip on a slick surface, or a stumble over an obstacle. This treadmill was purchased for its ability to provide fall risk assessments. Fall risk, and fall prevention are of particular importance to the VA. Gradually the veteran is exposed to more difficult challenges based on his/her abilities when using the unit assessment and training modes. Additionally, the treadmill provides for emergency stops.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** A service contract is needed to ensure continued safe and reliable operation and obtain new software updates and hardware service. The estimated total contract value is \$32,475.00. Estimated base performance period is July 1, 2014 thru June 30, 2015, with annual renewal options for four additional years. This fixed price contract will provide hardware and software upgrades for ActiveStep Treadmill including, follow-on annual maintenance; upgrade and data service with supplemental eTRIP Maintenance and software updates; support and repairs inclusive of any travel required. Service may be provided remotely or in person as necessary. The Contractor is expected to provide a minimum of quarterly remote maintenance checks and one annual in person service. The contractor will provide live technical support services 5 days per week. Emergency repairs shall be performed after notification that the equipment is inoperable. The contractor shall provide the government with a designated point of contact and shall arrange to enable its maintenance representative to receive such notification. The contractor shall perform emergency repair service within 48-72 hours of time of receipt of the instrument except when an ordering facility is able to repair via the phone. The contractor shall provide all parts and labor needed to repair the malfunction. If applicable, travel, per Diem and other expenses associated with the repair visit shall be borne by the contractor. The contractor shall furnish a malfunction incident report to the installation upon completion of said maintenance call.

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.*
 - (X) (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):** The manufacturer (Simbex) of the ActiveStep treadmill is required to service and upgrade the device. This is a highly specialized piece of equipment that is capable of training fall recovery by perturbing balance during walking (e.g. simulating slips by rapidly reversing direction upon detection of heel contact) that no other company is qualified to support. Accordingly, Simbex, LLC is the only firm capable of servicing this equipment. Exercising the option to replace the system, at this time, will result in a substantial duplication of cost that

cannot be recovered through competition and unacceptable delays in fulfilling this requirement. The results of Sources Sought Notices, which were posted on FedBizOpps and GSA eBuy, provided no evidence of vendors that can service the treadmill's unique repeatable postural and gait perturbation capabilities. Further, this particular treadmill is custom installed in the Mobile Rehabilitation Clinic, and it would be extraordinarily expensive to uninstall and install a different treadmill, which would not have the features of the existing equipment. Simbex does not have an authorized dealer or distributor to perform this service. It is the only company authorized to service its equipment. When the vendor encounters an issue at one site, their findings are shared with all locations currently using ActiveStep Treadmills.


6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Simbex programming for the ActiveStep treadmill is proprietary, and no other treadmill companies contacted by the end-user were willing to service the equipment. The proposed action was announced in RFI (Sources Sought) VA248-14-I-1176, posted on FedBizOpps and GSA eBuy (RFQ880228); and no interested, capable parties responded.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** A search of the Federal Procurement Data System (FPDS) yielded one action for exact or similar services to an ActiveStep treadmill at another VA. An award was made for \$6,000.00 (estimated \$30,000.00 for a Base and 4 (four) option years). An expanded directory search for maintenance on similar treadmill systems revealed four additional contractors that provided service to VAs in different areas of the nation. Awards were made for:
 - \$8,500.00, Base Year Contract; awarded in 2010, Contract VA573D05048
 - \$4,372.75, Base Year Contract; awarded in 2011, Contract VA570C14278
 - \$5,033.38, Base Year Contract; awarded in 2012, Contract VA26112P2812
 - \$5,967.60, Base Year Contract; awarded in 2013, Contract VA25613C0245

Excluding the contract award in 2010, the base year cost of the 2011 award, when increased by 10% per year over the period 2010 through 2013 is an estimated \$6,402.00. The estimated cost for the base year of the Subject contract is \$6,495.00, which is reasonably within acceptable cost increases for similar maintenance contracts awarded over the past four (4) years.

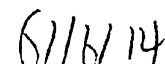
Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: A Market Research Survey, which was conducted by the end-user, revealed no sources other than Simbex capable of providing this support. In addition, Sources Sought notices revealed no additional sources capable of providing the required maintenance services for the Simbex ActiveStep Treadmill.

Any Other Facts Supporting the Use of Other than Full and Open Competition: No other companies are authorized by Simbex to provide maintenance on the ActiveStep Treadmill System.

8. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** N/A
9. **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:** Once this equipment has reached its usable life cycle and the VA/VHA has a need to purchase new equipment the government will compete this requirement on the open market for equipment that is universal, so more than one vendor can perform the service required.
10. **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.
(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)



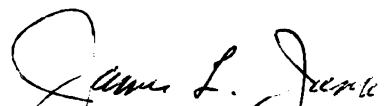
Samuel L. Phillips
Assistant Biomechanics Lab Director
James A. Haley Veterans' Hospital



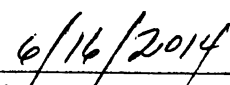
Date

11. **Approvals in accordance with FAR 6.304** *This part is filled out by Contracting Staff as part of the Justification*

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

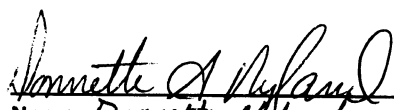


Name James L. Jones
Contracting Officer
Facility - NCO 8



Date

- b. **Product Line Supervisor (PLS):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Name Donnette Ryland
Contracting Supervisor
Facility NCO 8



Date