

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

1. **Contracting Activity:** *Department of Veterans Affairs, VISN XI, Ann Arbor Medical Center and Philips Healthcare., for the service repair of the Philips Scanning Ultrasonic System M#IU22 S#02L6GM. Equipment listed on 2237 transaction #506-14-4-127-1812.*
2. **Nature and/or Description of the Action Being Processed:**  
*Philips Healthcare will provide service repairs to Philips Ultrasound described above.  
Philips Healthcare, 22100 Bothell Everett HWY, Bothell, WA 98021.*
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**  
*Philips Healthcare service repairs are necessary for this equipment which is primarily used for Patient Diagnostic. It is a unique tool part of diagnostic procedure and Philips Healthcare will provide the service repairs according to the quote provided. The service will begin at the issuance of the PO expected July 2014 in the amount of \$25,923.00.*
4. **Statutory Authority Permitting Other than Full and Open Competition:** *41 USC §253(g), as implemented by FAR 6.302 (1)/FAR 6.302.2(2)*  
  
*(1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;*
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**
  - a. **Only One Responsible Source (FAR 6.302-1) –**  
*Accordingly, Philips Healthcare is the only firm currently capable of providing the Service repairs described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements. Ultrasound contains proprietary hardware and software not available to third parties. Any individual or company other than Philips performing any service will void all warranties on equipment rendering unusable.*
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** *The requested service repairs are of a proprietary nature that requires specialized skills and equipment necessary to meet the requirements of this agency. At this time no other sources that exist capable of providing the services needed.*

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** *Due to the nature of the services being requested the Quoted costs are deemed fair and reasonable. Based on past po#C30273, C30235, C40078. Cost difference is due to materials and estimated length of labor required to get this equipment to working condition.*
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** *No market research was conducted on repairs for this equipment that contains proprietary software which is not available in the open market.*
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 next year to see if other sources may be available to provide the service.*
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.*

  
 Name: Adam J. Biddle  
 Title: Biomedical Engineer  
 Facility: VA Ann Arbor Medical Center

7-28-2014  
 Date 7/28/14

**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 \_\_\_\_\_  
 Network 11 Contract Office

Date \_\_\_\_\_

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

Name \_\_\_\_\_  
 NCM/Supervisory Contract Specialist (as appropriate)  
 Network 11 Contract Office

Date \_\_\_\_\_

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

\_\_\_\_\_  
Ricky L. Lemmon  
SAO Director  
Central Region

\_\_\_\_\_  
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 \$10 million) or approve (\$500K to \$10 million) for other than full and open competition.

\_\_\_\_\_  
NORBERT S. DOYLE  
Chief of Procurement and Logistics Officer  
VHA, Head of Contracting Activity

\_\_\_\_\_  
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