

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 23, NCO 23 St. Cloud MN. 636-14-4-2301-0572.
2. **Nature and/or Description of the Action Being Processed:** A firm fixed price purchase order
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Philips channel board
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):** The proposed procurement is from Philips Medical NA, the original manufacturer of the unit the part will be placed in. Philips has new parts on-hand and is the original equipment manufacturer (OEM) of the parts. The unit these parts will be placed in is a Food and Drug Administration approved piece of medical equipment and therefore part substitution is not approved. The unit is located at Omaha and is used in the Cardiology Department for ultrasonic procedures and diagnostics. Without these parts, the unit is non-functional and therefore will negatively affect patient care delaying diagnosis.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Item is unique and proprietary to this vendor.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** As this is a commercially available item, 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:** Internet research only found one vendor that offered to sell the part, but they sell used parts. The part required has a use life and a shelf life and therefore does not qualify as new OEM per the government's requirements.
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: The government will continue to survey the marketplace if other qualified companies become available, new sources will be sought.