

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval  
For  
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 15, St. Louis VAMC, John Cochran, 915 N Grand Blvd., Saint Louis, MO 63106-1621 is submitting an Other than Full and Open Competition request for a contract to provide a Service Agreement for the Autoimmune Fast Track 2000 (AFT-2000). The 2237 Number 657-14-4-1110-0348.
2. **Nature and/or Description of the Action Being Processed:**  
Provide extended warranty, preventative and corrective maintenance aligned with manufacturer recommendations and Joint Commission requirements on the Autoimmune Fast Track-2000(AFT2000), as well as labor, travel, parts, and software upgrades. This will be a new firm-fixed price contract for a base period of one year, plus three(3) one year option periods. The estimated annual cost is \$3900.00 for the base year with an increase for each subsequent year for a total cost of the base year plus three(3) option years for combined total of \$17,800.00
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**  
The Government's needs may be met by purchasing services of the type which is customarily available in the commercial marketplace and other facilities. The St Louis VA Medical Center is requiring a service contract for preventative maintenance plus an extended warranty on their Automated Laboratory Pipetting Robot, model AFT2000.

Specifications of work include:

- Preventative Maintenance and Performance Verification following manufacturer's recommendations and Joint Commission requirements.
- Unlimited On-site service/corrective maintenance and repair, if needed
- All parts, labor, and travel for all maintenance
- Regulatory documentation for all maintenance and work completed
- Manufacturers' parts
- 24 hour over the phone technical support with 2 hour response time
- Software Upgrades/Field change orders

All services for this contract, must comply, if applicable, with; Federal Regulations, FDA device certification and other specifications that may apply such as National Electric Code (NEC), Life Safety Code (LSC), the Joint Commission on the Accreditation of Health Care Organizations (JCAHO), and VA Regulations (i.e. Sterile Processing Directives for the cleaning of Reusable Medical Equipment). Also, Contractor must provide the appropriate service documentation at no additional expense.

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(1), as implemented by FAR 6.302-1.
  - (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):** Only one responsible source and no other supplies or services will satisfy agency requirements per FAR 6.302-1. Immune Concepts/Global Focus Marketing & Distribution, LTD is the manufacturer/distributor and has the proprietary right to perform services on the AFT2000. Only certified technicians can properly inspect, certify, and work on the AFT2000 and only Immuno Concepts/Global Focus Marketing & Distribution, LTD can provide such services and upgrades when required. As stated by Immuno Concepts/Global Focus Marketing & Distribution, LTD:
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This equipment requires proprietary software and parts that are not accessible to third party contractors. Immuno Concepts/Global Focus Marketing & Distribution, LTD, trained and certified Field Service Personnel have unrestricted access to proprietary system software and parts. Repair of Automated Immune AFT2000 by any other entity would deem the unit no longer operation in original equipment manufacturer specifications. In an effort to ensure proper patient care, it is within the best interest of the government to ensure these critical pieces of equipment are repaired and maintained to meet all OEM specifications. In accordance with FAR Part 5, this requirement will be synopsised indicating the Government's intent to negotiate sole source with Immune Concept/Global Focus Marketing Distribution, LTD. Market Research was conducted using GSA Advantage, Small Business Dynamic Search, VETBIZ and FPDS. No results were found of other sources capable of performing the service and support required.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The nature of this service is non-competitive and as such the only basis to determine fair and reasonable price is past history. The contracting officer, after review and consultation with appropriate technical personnel, will ensure that the price paid for support and repair services on the Automated AFT2000 is fair and reasonable. Award will be made on the basis of price and past performance. Negotiation of reasonable price for services will be documented for the contract file. In accordance with FAR 15.403-1, this is a commercial service and cost and pricing data is not required.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** In accordance with FAR Part 10.002, market research was conducted to identify any other potential sources for the requested preventative maintenance plus warranty services. Market research was conducted with current awards, previous awards, a search of other VISN contracts within the VHA and other agency contracts available on the FBO website. As described in Section 6 above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties. No interested parties responded. In addition, a search of the VetBiz.gov website yielded no results, nor did a SBA Dynamic Small Business Search or a general internet search. All of the contracts for maintenance (both VHA and other agency) on this type of Automated Immune AFT2000 were procured using the authority in FAR 6.302-1. The market research substantiates the claim that Immune Concepts/Global Focus Marketing Distribution, LTD. is the only contractor that can provide the preventative maintenance plus warranty services due to the propriety nature of parts and technical certifications required in performance of this contract.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Utilizing any source other than Immune Concepts/Global Focus Marketing Distribution, LTD for service and maintenance of the Automated AFT2000 would result in the unavailability of future service or access to parts or software updates. Only Immune Concepts/Global Focus Marketing Distribution,

LTD certified service personnel have access to proprietary parts and software required to service and maintain this equipment.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No other firms have expressed an interest in this acquisition. See section 6 above.
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:** This is unique technology. The manufacturer has specified the parts and software support is proprietary. Market research will be conducted prior to future acquisitions to determine if market conditions have changed allowing other contractors to provide service and maintenance to this equipment.
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.



GHATH HASAN  
BIOMEDICAL ENGINEER  
SAINT LOUIS HEALTH CARE SYSTEM

08-19-2014

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.

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LARRY M ZARITZ  
CONTRACTING SPECIALISTS  
NETWORK 15 CONTRACTING OFFICE

\_\_\_\_\_  
Date

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

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CHRISTINE L. SCENA  
DIRECTOR OF CONTRACTING  
NETWORK CONTRACTING OFFICE 15

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Date