

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval
For
Other Than Full and Open Competition

- 1. Contracting Activity:** The Department of Veterans Affairs, SAO West - Network Contracting Office (NCO) 22, for the VA Greater Los Angeles Healthcare System (VAGLAHS) requests the approval of a Justification for Other Than Full and Open Competition (JOFOC) for purchase request number 691-15-1-208-0006.
- 2. Nature and/or Description of the Action Being Processed:** This procurement will be awarded as a new, single purchase base year Plus four (4) option year orders on a Firm Fixed Price (FFP) basis in accordance with (IAW) FAR Subpart 12.207(a). VAHGLA is requesting a new, firm-fixed price service contract for preventive maintenance and repair services of three (3) Custom Ultrasonics Systems 83-9 units that requires a JOFOC.
- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** Purchase request number 691-15-1-208-0006 is for the preventive maintenance and repair services for the following three (3) Government-owned Custom Ultrasonics Systems: The base year period of performance will be from October 1, 2014, - September 30, 2015.

Serial Number	VA Equipment Entry (EE) #	Location
030604	98976	BLDG 500
071009-A	125104	BLDG 500
071009-B	125105	BLDG 500

- 4. Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(1), as implemented by FAR 6.302-1. 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.
 (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):** Custom Ultrasonics, the Original Equipment Manufacturer (OEM) of the Custom Ultrasonics Washers/Disinfectors has identified Prouty & Associates, Inc. as the Custom Ultrasonics certified and authorized provider of service to the VAGLAHS-owned Custom Ultrasonics Washers/Disinfectors. If another Contractor were to provide these services, there would be an increased risk of equipment failure, infectious control risks, and longer downtimes which would further impact critical patient care. Custom Ultrasonics has confirmed that they only delegate authority to trained and certified associates.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research was conducted via historical procurements for the same service, www.FBO.gov, and www.customultrasonics.com, which all affirmed that Prouty & Associates, Inc. is the only contractor, Custom Ultrasonics Associate authorized that can fulfill this requirement. Shirley Dessasure, Contracting Officer, conducted the most recent procurement, PO# 691-C40025; its market research also supported the conclusion that Prouty & Associates, Inc. is the only Western Region contractor authorized by the OEM to provide this service.

Other Actions: The Department of Veterans Affairs (VA) has no plans at this time to compete future contracts for the required types of services. If another potential source emerges, the VA will consider and assess whether competition for future requirements is feasible

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated price for the base year of this service contract is \$ [REDACTED], with an estimated total of \$ [REDACTED] for the base and four (4) one-year option periods, in which each option year is priced at \$ [REDACTED]. The estimated cost of the contract is anticipated to be deemed fair and reasonable based on historical pricing paid for the same services on previous purchase orders. In accordance with FAR Subpart 13.106-3(2), the estimated cost of the contract is anticipated to be deemed fair and reasonable based on historical pricing data and commercial market comparative pricing.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted, : Market research was conducted via historical procurements for the same service, www.FBO.gov, www.customultrasonics.com, and Shirley Dessasure, VA Contracting Officer, conducted the most recent procurement, PO# 691-C40025; its market research revealed that Prouty & Associates, Inc. is the only Western Region contractor authorized by the OEM to provide this service.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** There are no other facts supporting the use of Other than Full and Open Competition at this time.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No sources expressed in writing an interest in this acquisition.

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 Department of Veterans Affairs (VA) has no plans at this time to compete future contracts for the types of services covered by this Justification and Approval. If another potential source emerges, the VA will consider and assess whether competition for future requirements is feasible.

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.



Patricia Tang
Biomedical Engineer
GLA Engineering

9/16/14

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.



Guiljohn Alcantara
Contracting Officer
NCO 22 Services Acquisition

9/16/14

Date

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



Kevin Blanchard
Director of Contracting
NCO 22

09/16/14

Date