

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.

The St. Louis VA Medical Center Facilities Engineering Service has requested a contract for a Service Agreement for GreenLight HPS Laser System. The 2237 Purchase request number is 657-15-1-1110-0002.

2. Nature and/or Description of the Action Being Processed:

Provide preventative maintenance aligned with manufacturer recommendations and Joint Commission requirements and unlimited corrective maintenance on the American Medical Systems Green Light HPS, as well as labor, travel, parts, software upgrades, and loaners for that maintenance. This will be a firm-fixed price contract.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

The St. Louis VA Medical Center is requesting to establish a service contract for maintenance on the following equipment:

Manufacturer- American Medical Systems

Brief Description- LASER SYSTEM, GREENLIGHT HPS WITH VIDEO CAMERA

Model- GREENLIGHT HPS, Serial # HPS2765, Location- D453-01-JC

Specifications of Work:

- o Preventive Maintenance and Performance Verification, following manufacturer recommendations and Joint commission requirements, is included
- o Unlimited On-site Service/Corrective Maintenance, if needed, is included
- o Parts, labor, and travel for all maintenance is included
- o Regulatory documentation for all work completed is included
- o Manufacturer's parts are included
- o 24 Hour phone technical support with phone response within 2 hours of contact is included
- o Software Upgrades/Field Change Orders are included
- o Overtime Coverage is included
- o Service Loaners are included

The service agreement would be for 1 year starting October 1st 2014 through September, 30th 2015 with renewal options for an additional 4 years. Total estimated cost for these services is \$55,176.00 for Base plus four option years.

4. Statutory Authority Permitting Other than Full and Open Competition:

(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; American Medical Systems is manufacture and has the proprietary right to preform services on the Green Light HPS; only certified technicians can properly inspect certify and work on the Green Light HPS and only American Medical Systems can provide the upgrades when required. American Medical Systems is also the company that could provide a loaner unit if one is needed.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

Only one responsible sources: 10 USC 2304(c) (1). No other vendor provides this service.

- American Medical Systems is manufacture and has the proprietary right to preform services on the Green Light HPS; only certified technicians can properly inspect certify and work on the Green Light HPS and only American Medical Systems can provide the upgrades when required.
- FPDS search results identified one vendor (American Medical Systems) that could provide the service requested by the customer.
- A Google search located only one company (American Medical Systems) that could provide the Service Agreement for GreenLight HPS Laser System requested by the St. Louis VA Medical Center.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The estimated amount of this acquisition is \$11,495.00 for the base year, the base year plus four option year estimated total is \$55,176.00. In accordance with FAR Subpart 15.404-1(b) the following price analysis techniques and procedures will be utilized to ensure a fair and reasonable price.

- a. Comparison of previously proposed prices and previous Government and commercial contract prices for the same or similar items. The average cost for previous Government purchases for the same or similar items and service was \$13,500.00 for one year service.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

- A search of the National Acquisition Center (NAC) Contract Catalog produced no results. No mandatory use contracts IAW FAR 8.002 and VAAR 808.002 "Priorities for use of Government supply sources" were found that could perform/supply the requested task.
- A search on www.gsa.gov for vendor's that could perform/supply the requested repair service on Federal Supply Schedules (FSS). There were no vendors on GSA/FSS that could provide the task being requested.
- A search of the VetBiz.gov Registry website Using NAICS code 811219 with the keywords "GreenLight Laser" yielded 3 vendors; however none could fulfill the requested requirement.
- A search of the SBA Dynamic Small Business Search tool: Using NAICS code 811219 with the keywords "GreenLight" yielded no vendors.
- A search of the Federal Business Opportunities website produced no relevant results for small business or other category set-asides. A "Sources Sought Notice" (VA255-14-Q-1429) was posted to FedBizOpps.gov and no responses were received.
- A search of FPDS resulted in finding several government awards none were to small business concerns. FPDS search results identified one vendor (AMERICAN MEDICAL SYSTEMS INCORPORATED) that could provide the service requested by the customer.
- A Google search located only one company (AMERICAN MEDICAL SYSTEMS INCORPORATED) that could provide the services requested by the Saint Louis VA Medical Center, according to Sam.gov, that company is a large business.

Due to the proprietary nature of this procurement no other vendor can meet the requirements.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

N/A


10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

See Section VI 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 a unique service, and only American Medical Systems can fulfill the requirement requested.

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  Date 07/22/2014
Ghaith Hasan
Biomedical Engineer
St. Louis VA Medical Center

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 _____ Date _____
Frank Novello
Contract Specialist, Network 15 Contracting Office

- b. NCM/PCM: I certify the justification meets requirements for other than full and open competition.

Name _____ Date _____
CHRISTINE L. SCENA
Director of Contracting, Network Contracting Office 15

QA Reviewed: