

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval  
For  
Other Than Full and Open Competition  
573-14-3-909-0189**

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 08 (NCO 08), James A. Haley VA Medical Center (673) Justification for Other Than Full and Open Competition – purchase request number: 573-14-3-909-0189.
2. **Nature and/or Description of the Action Being Processed:** This is a request for Other Than Full and Open Competition for the procurement of Rental of a 3 Tesla Resonance Imaging System and functional magnetic resonance imaging (fMRI) technician support services. This requirement is in support of VA Merit Grant titled, "Brain Rehabilitation Research Center of Excellence Grant". Services shall be provided at the Advanced Magnetic Resonance Imaging and Spectroscopy (AMRIS) facility of the McKnight Brain Institute of the University of Florida (UF). The service is being requested by the Malcom Randall Veterans Affairs Medical Center (VAMC), located in Gainesville Florida, to execute Magnetic Resonance Imaging (MRI) studies of neuromuscular structure and function in people with post-traumatic brain injury, post-stroke and age-matched non-disabled control participants. The resulting action will be a firm fixed price contract with a one year base period and one option year to be exercised should the Government deem necessary.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The required service supports the overall mission of the Veterans Health Administration (VHA) by enabling the Principle Investigator (PI) to obtain the necessary data to conduct studies in support of Grant number B9256-C, "Brain Rehabilitation Research Center of Excellence Grant". The contractor shall be responsible for providing the Malcom VAMC access to a 3 Tesla magnetic resonance imaging system. The system shall be scheduled with UF, within 30 days after receipt of the request. The system shall be made available in between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. Saturday and Sunday. The contractor shall be responsible for keeping equipment in good working condition and shall provide all maintenance, repairs, and upgrades to the equipment as required keeping it in optimal condition.

Additionally, when requested, the contractor shall provide certified and/or licensed fMRI technicians on the premises, readily available, on the day when the procedure(s) is/are being performed. The fMRI technician shall be responsible for performing the following duties:

- a. Assisting the PI while conducting MRI scans
- b. Ensuring Research Participants follow safety procedures
- c. Reporting all safety incidents
- d. Conducting peer reviews
- e. Positioning Research Participants and targeting the body structures to be analyzed
- f. Producing high resolution images that will allow the PI to obtain the necessary data for completion of the study
- g. Consulting with the radiologist to examine images when required

The period of performance for this contract including options will be from approximately September 1, 2014 through August 30, 2016. The total estimated cost of the contract is \$40,000.00, including options.

**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;
- ( ) (2) Unusual and Compelling Urgency per FAR 6.302-2;
- (X) (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):** This service is essential to further the development of Rehabilitation Neuroscience Initiative of the Brain Rehabilitation Research Center (BRRRC). The overall objective of this contract is to gather the necessary data to discover options that may guide and accelerate translational applications of research findings directly to the BRRRC clinical research mission to develop and test treatments that harness neuroplasticity to substantially improve or restore impairment of motor, cognition and emotions that have been caused by neurological disease or injury.

The PI will execute studies of neuromuscular structure and function in post-traumatic brain injury, post-stroke and age-matched non-disabled control participants. The specification of the 3 Tesla magnetic resonance imaging research system is required to successfully accomplish the objective of the contract. The research fMRI and diffusion tensor imaging (DTI) sequences necessary to perform the needed research are available only at UF's facility in Gainesville. Thus, the AMRIS facility of the McKnight Brain Institute of UF is the only viable source to furnish these highly developed specific requirements. For this reason, the award of a sole source contract to the McKnight Brain Institute of UF is appropriate and warranted.

Consequently, the VA does not own a 3 Tesla Resonance Imaging System, nor does the VA possess a scanner with the technical specifications required by the grant. The new study is a continuation of fMRI reliability research which was conducted from 2006-2011 on the existing 3 Tesla magnetic resonance imaging system and this new study must use the same MRI machine as the prior study relative to reliability tenets inherent between the two studies. This will ensure the integrity of the data being provided in support of the research. UF is the sole contractor within the north central Florida region that can provide the required service and guarantee continuous support of vital Government Research and Development (R&D) programs. Additionally, the Malcolm Randall VAMC has an affiliation with the University of Florida College Medicine.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Every research requirement is reviewed to determine its feasibility for competition. The subject requirement was carefully reviewed prior to the decision to establish a service contract with UF. Although other national and regional universities may have a 3 Tesla magnetic resonance imaging system or comparable system, UF is affiliated with the Malcolm Randall VAMC and they are the only non-profit educational institution with the appropriate resources and personnel that can provide the service.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Analysis of the pricing submitted by UF was conducted by the Contract Specialist. According to the Independent Government Cost Estimate (IGCE) the approximate hourly rate for afterhours is \$[REDACTED] per hour and the rate for regular staffed hours is \$[REDACTED] per hour. The cost includes use of UF's 3 Tesla magnetic resonance imaging system and the support services of FMRI technicians.

University of North Carolina (UNC) School of Medicine, Biomedical Research Imaging Center, Imaging rates for federally sponsored grants were utilized as a means to determine the hourly rate for various human imaging MRI's. According to UNC's rates, hourly rates for federally sponsored research ranged from \$[REDACTED] to \$[REDACTED] per hour.

Based on the IGCE received, the Contract Specialist anticipates that the pricing received will be fair and reasonable representing the best value to the Government.

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 utilizing General Service Administration (GSA) E-Library, the Vendor Information Pages (VETBIZ), and the National Acquisition Center Catalog Search Tool (CCST) to determine if the requirement could be provided by either a Mandatory or Optional Federal Supply Schedule contract. A search was also conducted on Google to determine if there were any other VAMC's with similar requirements that were sole sourced to an affiliate.

Based on the results obtained from GSA E-Library, VETBIZ and the CCST, rental of a 3 Tesla Resonance Imaging System cannot be obtained from either a Mandatory or Optional Federal Supply Schedule contract.

The Contract Specialist reviewed Google and determined that the required service is being procured by other VAMC's. In June of 2012, the same requirement was awarded sole source to UF in support of research being conducted at the Gainesville VAMC. In September of 2013, the James A. Haley VAMC issued a special notice of intent to sole source for a similar requirement. The Malcom Randall VAMC has a strong and meaningful affiliation with the University of Florida College of Medicine. The Malcom Randall VAMC is connected both physically and functionally to UF. Proximity to the university is essential to support effective, complete, and timely research.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** UF has provided the same service to the BRRRC and meets all regulatory requirements. Based on market research, UF is the only university in the north-central Florida region that can fully meet the Government's requirements, and therefore the Government is currently unable to seek efficient competition. UF has been providing the service for the BRRRC since 2006 and has a good past performance.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** There are no other known sources but the proposed.
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 BRRRC will continue to evaluate the market availability of comparable services and may replace/revise the requirement in the future if needed.

- 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.

Margaret Kincaid  
Margaret Kincaid  
Program Specialist  
Contracting Officer Representative  
NF/SG Veterans Health System

8/18/2014  
Date

**13. Approvals in accordance with FAR 6.304**

- a. **Contract Specialist Certification:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

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ose@va.gov

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Shaundrica M. Close  
Contract Specialist, Medical Sharing Team  
James A. Haley Veterans Hospital

\_\_\_\_\_  
Date

- b. **Product Line Supervisor:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

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Yamil O. Rodriguez  
Product Line Supervisor, Medical Sharing Team  
James A. Haley Veterans Hospital

\_\_\_\_\_  
Date

- c. **DOC/DDOC: (SAT to \$500,000)** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Dennis Bleckley (DJ)  
Director of Contracting, Acting  
VISN 8

\_\_\_\_\_  
Date

- d. **SAO (If over 650K):** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Jeff Ryan  
Director  
Service Area Office, East

\_\_\_\_\_  
Date

- e. **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 \$12.5 million) or approve (\$650K to 12.5 million) for other than full and open competition.

\_\_\_\_\_  
Name  
Chief Procurement and Logistics Officer  
VHA Head of Contracting Activity (HCA)

\_\_\_\_\_  
Date

- f. **VA Deputy Senior Procurement Executive Approval (over \$12.5 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

- g. **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.

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Jan R. Frye  
Deputy Assistant Secretary for Acquisition and Logistics  
Senior Procurement Executive (SPE)  
Department of Veterans Affairs

\_\_\_\_\_  
Date