

## 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, Marion VA Medical Center, 2401 West Main, Marion, IL 62959-1188.  
The Marion VA Medical Center Biomedical Engineering Service has requested a contract for a Service Partner Program for their Verathon Bladder Scanners. The 2237 Purchase Request number is 657-15-1-2750-0007.

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

The contractor is to provide lifetime access to ScanPoint®, proprietary test equipment, discounted materials, and a 3 day technical training class. This will be a new, firm fixed price contract. The estimated cost is \$21,240.00 for a one time purchase contract for the lifetime of the equipment.

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

The Marion VA Medical Center is requesting to establish a service contract for maintenance on the following equipment: Verathon Medical, BladderScan BVI 3000s and BVI 9400s

Contractor to provide the following:

- Contractor shall provide test fixtures to perform certifications and calibrations
- One BladderScan BVI3000 and one BladderScan BVI9400 neutral control test instrument
- One string phantom for calibration testing for BladderScan BVI 3000
- One calibration phantom for calibration testing for BladderScan BVI 9400
- One zerdine phantom for accuracy testing
- Three (3) days of instructional service training for up to 10 service technicians at VAMC Marion
- Support from technical service department
- Accessory discounts to include battery replacement
- Ability to replace the console's outer molds
- Ability to replace the console printer and PCBA board
- Complete service manuals
- Access to service partner program probe exchange program
- Perpetual access to BladderScan BVI9400 ScanPoint access for service partner program center hub plus five (5) affiliated subsidiaries.

This package is \$21,240.00 and is a one-time purchase that lasts the life of the current BVI3000's & BVI 9400's as well as covering any new BVI 3000's & BVI 9400's that the facility may choose to purchase.

**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; Verathon Incorporated holds the proprietary rights to the BladderScan and ScanPoint brand and software. Due to this fact, no other vendor would be able to provide the appropriate interface for proper maintenance of the equipment or provide certified replacement parts.

**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. Repair of these Bladder Scanners by any other entity would deem the scanners no longer operational in original equipment manufacturer specifications. In accordance with FAR Part 5, this requirement will be synopsisized indicating the Government's intent to negotiate sole source with Verathon, Inc. Market Research was conducted using GSA Advantage, Small Business Dynamic Search, SAM 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 in FPDS for similar VA contracts for BladderScan service agreements, has determined that the quote given 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 above mentioned requested items and services. Market research was conducted with current award, previous awards, a search of other VISN contracts within the VHA and other agency contracts available on the FBO website. 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 on BladderScan BVI 3000 and BVI 9400s were procured using the authority in FAR 6.302-1. The market research substantiates the claim that Verathon, Inc. is the only contractor that can perform this work due to the proprietary nature of the software and hardware that must be utilized in performance this contract. Verathon Medical's FSS contract is currently under re-negotiation, however due to the pressing need for the services, we are continuing with a non-FSS award.

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

Utilizing any source other than Verathon, Inc. for service and maintenance of the BladderScan BVI 3000 and BVI 9400s would result in the unavailability of future service or access to parts or software updates. Only Verathon, Inc. 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.



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JENNIFER RAMIREZ  
BIOMEDICAL EQUIPMENT SUPPORT SPECIALIST  
MARION VA MEDICAL CENTER

\_\_\_\_\_  
10-14-2014

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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KONI B. FRITZ  
CONTRACTING OFFICER

\_\_\_\_\_  
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

QA Review