

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

**1. Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 16, Michael E DeBakey VA Medical Center (MEDVAMC). Clinical Support Service Line has provided this Justification and Approval for Other Than Full and Open Competition for the procurement for the preventative maintenance for the Maintenance Contract for Maquet Heart and Lung Medical Equipment. Purchase Request number 580-15-1-255-0067.

**2. Nature and/or Description of the Action Being Processed:** Request a new firm fixed priced contract for Sole Source procurement to MAQUET Medical Systems USA, for service for Maquet Perfusion System Maintenance Contract. Located in Bldg. 100 for a period of performance November 17, 2014 to September 30, 2015. Plus four 12 Month Option Periods.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:** The preventative services are required to maintain the equipment in a functioning state to allow its use in the MEDVAMC. The original equipment manufacturer MAQUET Medical Systems USA, and shall provide preventive maintenance and support services to meet the agency need. Any delay in maintenance of this table would mostly likely result in cancelled procedures. Scope of repair is beyond expertise of any in-house staff.

Estimated Contract Value (including options): \$182,345.83

Base Year: \$33,000.00

Option Year#1 \$ 34,650.00

Option Year#2 \$ 36,382.50

Option Year#3 \$ 38,201.63

Option Year#4 \$ 40,111.71

Description	QTY	Model #	Serial#
Maquet Pumps	3 (Each)	HL-20 1642	SN#1642,SN#1643,SN# 93101117
SINGLE PUMPS	9 (Each)		SN# 3334, SN# 3341, SN# 3340, SN# 3255, SN# 3250, SN# 3019, SN# 101234, SN# 101232, SN# 101231
TWIN PUMPS	3 (Each)		SN#1645,SN# 1654, SN# 100260

**4. Estimated delivery dates:** 11-17-2014

**5. 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.

**6. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** MAQUET Medical

Systems USA., is the original manufacturer of this equipment. No other contractor or vendor has proprietary rights of capability to provide the required services.

**7. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Contracting Officer published Intent to Sole Source Maquet Maintenance Contract for Maquet Heart and Lung Medical Equipment via FedBizOpps on October 9, 2014. Resulted in one interested vendor Greg Patrick, Director, Government Contracting for MAQUET Medical Systems USA that responded with the capability to meet the government needs.

Contracting Officer Conducted SBA search with key word Maquet for Small Businesses to include SDVOSB, VOSB, WOSB, and 8A. Return zero replies with capability.

MAQUET Medical Systems USA, in addition possesses proprietary hardware and software, and only services or trained contractor by MAQUET can provide services for the Maquet Heart and Lung Medical Equipment.

**8. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost will be considered fair and reasonable from the onset pricing factor from the prior procurement history, other awarded contracts from government agencies, and any published price catalog on the internet to assist the Contracting Officer in conducting price analysis to determine fair and reasonable pricing.

**9. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Contracting Officer published Intent to Sole Source Maquet Maintenance Contract for Maquet Heart and Lung Medical Equipment via FedBizOpps on October 9, 2014. Resulted in three interested vendors

- Greg Patrick, Director, Government Contracting for MAQUET Medical Systems USA that responded with the capability to meet the government needs.

- Broadway Insurance Services-** Contracting Officer contacted the company via phone (601-667-4065) communicated with Ann Carruth, with response was only seeking opportunity to provide insurance services.

- eCapital-** Contracting Officer contacted the company via phone (760-456-3813) communicated with Phil Dunlap, with response was only seeking opportunity and cannot meet the government requirement.


Contracting Officer Conducted SBA search with key word Maquet for Small Businesses to include SDVOSB, VOSB, WOSB, and 8A. Return zero replies with capability. MAQUET Medical Systems USA, in addition possesses proprietary hardware and software, and only services or trained contractor by MAQUET can provide services for the Maquet Heart and Lung Medical Equipment.

Contracting Officer has current FY15 knowledge of contractor not being able to meet the government requirement as well as being non responsive to submitting any capability statements in regards to similar Maquet maintenance contracts.

**10. Any Other Facts Supporting the Use of Other than Full and Open Competition:** MEDVAMC Maquet Heart and Lung Medical Equipment require the services from MAQUET Medical Systems USA to sustain operations and prevent any delays patient care or services.

**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 Michael E. DeBakey VA Medical Center will consider, compare, and evaluate any alternative contractors with capability and training from original equipment manufacturer to provide maintenance services.

**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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Melseracarlo Dumo  
Biomedical Engineer  
MEDVAMC

10/29/14  
\_\_\_\_\_  
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.

\_\_\_\_\_  
Anthony CP Marion  
Contracting Officer  
Network Contracting Office 16

\_\_\_\_\_  
Date

**b. P&C:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

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James G. Fulks  
Chief, Purchasing and Contracting  
Network Contracting Office 16

\_\_\_\_\_  
Date

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Aaron Villalpando  
Director of Contracting  
Network 16 Contracting Office

\_\_\_\_\_  
Date