

Attachment 2: Request for Sole Source Memo Format

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 11, Richard L. Roudebush VA Medical Center, 1481 W 10th Street, Indianapolis, IN 46202. Transaction# 583-15-2-179-0319
2. **Nature and/or Description of the Action Being Processed:** Requesting emergency repair services of the Symbia PET/CT Scanner located at the Roudebush VA Medical Center.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** New CT Tube head, motherboard, and XGR parts needed and service to install and ops check. These repair services are needed to be completed as an emergent request by today (Jan 20, 2015) in order to avoid further interruption of patient care.

Equipment: EE# 67143 Siemens Healthcare Diagnostic Inc 115 Norwood Park South, Norwood, MA 02062 \$350,000.00

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;
  - (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):** Siemens Healthcare Diagnostic Inc. is the Original Equipment Manufacturer (OEM) of this unit. This repair requires the need for proprietary software keys to calibrate and review error logs, for which only the OEM has access to. Siemens does not provide their proprietary information to third party retailers and therefore is the only source available to provide the emergency repair services. A service call was generated and it was determined that this equipment is non-operational. These services need to be completed today as to not further delay patient care.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Technical Prospects was considered however they do not have the listed

model of PET/CT that is in need of repair, they cannot provide guaranteed OEM parts, and they do not have the necessary access to the OEM's proprietary software keys that are required to complete the repairs and make the equipment fully operational. Only the manufacturer can provide new, guaranteed parts, install, and calibration of device, ensuring that down time was kept to a minimal, allowing patient care to continue. Siemens is the only vendor that has the necessary parts on-hand and knowledge to perform the required service.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** This cost is fair and reasonable to that Siemens is the OEM, the combined cost for parts and labor is \$350,000.00. The prices are being offered at a government discount, the non-governmental pricing that Siemen's usually offers for these services is \$367,500.00. Northern Indiana Health Care System had a similar repair for a Philips CT Tube replacement under PO# VA251-13-P-2511 (IFCAP PO# 610-C30081) where only the tube was replaced (not including the motherboard and XGR parts) and the cost for that repair was \$229,847.23. The repair services required for RLR VAMC's Siemens' PET/CT Scanner are more extensive and therefore more costly.
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 (see paragraph 6); however, due to the need for proprietary software keys and OEM guarantee of equipment replacement parts it's been determined that no other source can provide the these services.
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:** Siemens Healthcare Diagnostic Inc. 115 Norwood Park South Norwood, MA 02062
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:**  
Should this need arise in the future, market research will be conducted to see if any other vendors have the ability to provide these 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.

JORDAN A  
KEEBAUGH  
587927

  
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@va.gov, cn=JORDAN A KEEBAUGH 587927  
Date: 2015.01.20 15:04:53 -05'00'

Jordan Keebaugh  
Biomedical Engineer  
Indianapolis VAMC

January 20, 2015  
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.

Lisa D. Frymier  
320908  
Lisa Frymier  
Contracting Officer  
Network 11 Contracting Office

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- a. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.

Toni Waggoner-Boykin  
Toni Waggoner-Boykin  
Supervisory Contract Specialist  
Network 11 Contracting Office

1-20-15  
Date

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

\_\_\_\_\_  
Ricky Lemmon  
SAO Director  
Service Area Office, Central

\_\_\_\_\_  
Date

- c. **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.

\_\_\_\_\_  
Norbert Doyle  
Chief of Procurement and Logistics  
VHA, Head of Contracting Activity (HCA)

\_\_\_\_\_  
Date

- d. **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

- e. **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.

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

\_\_\_\_\_  
Date