

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)**

Acquisition Plan Action ID: VA248-16-AP-2923 EMERGENCY CT Imaging tube

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 08, Bay Pines VA Healthcare System, Biomedical Engineering. Request other than full and open competition, sole source procurement, due to inoperable CT scanner. This request is of unusual and compelling urgency (FAR 6.302-2). Purchase Request # 516-16-1-207-0015.
- 2. Nature and/or Description of the Action Being Processed:** Procurement of (1) General Electric Computer Tomography Tube. GE Medical Performix HD CT tube, part D3703T is required to repair down CT Scanner. This part is designed to work with our current system.
- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** The X-Ray tube has to comply with the following: The manufacturer of the tube must warranty the imaging tube. The Radiographic tube must pass the physicist inspection and FDA compliance criteria. The tube must comply with radiation product standards 21 CFR Subchapter J. A new contract is requested for this replacement part and the contract will be a firm fixed price for a commodity replacement part.

Housing, Model 5195800-5, DESC: Performix HD (Housing Maximum Potential Anode to Cathode: 140 KV, Housing Minimum Filtration 3.91mm, Aluminum equivalent at 070 KV)

Insert, Model: 5195900, DESC: Performix HD Insert (Tube Insert Maximum Potential Anode to Cathode: 140 KV, Tube Insert Minimum Filtration 0.04mm, and Aluminum equivalent at 070 KV)

Focal Spots: 2.0 x 1.2 1.6 x 1.2 1.0 x 0.7

The estimated cost of this part is \$223,400.00, this product is not on contract; however, GE is providing the VA a 20% discount. Delivery date is immediately as this is an unusual and compelling requirement; there is no period of performance for this request, it is a one-time purchase.

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):

GE is the sole provider of this part. This part is a proprietary part that is supplied by General Electric Company – see supporting sole source documentation in file. Only GE can provide, install and warrant this CT scanner to meet regulatory compliance mentioned in #3 above. The part is not interchangeable and no other company can provide this part and provide the installation and warranty. A separate request was submitted for the labor portion of this requirement. Without this machine, the Government could incur serious injury and impact patient care. This machine is used on a daily basis for patient care. While the machine is out of operation it will require that a large number of emergent and scheduled veterans be re-scheduled (approximately 60 per day). This machine is in operation during business hours and off hours and is used to obtain detailed diagnostic images for diagnosis and treatment planning. Patients are currently being re-scheduled and will continue to be until this machine is back in operation. Re-scheduling patients for critical diagnostic testing will result in delay of diagnosis and/or treatment. Delay of diagnosis has the potential to be life threatening.

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

This acquisition has unusual and compelling urgency that does not allow time to solicit for competition. IAW FAR 5.202(a)(2) the Contracting Officer need not submit the notice to the Government wide Point of Entry (GPE) when the proposed contract actions is made under the conditions described in FAR 6.302-2 and the Government would be seriously injured if the agency complies with the time periods specified in FAR 5.203. Competing this acquisition would result in unacceptable delays in fulfilling its requirements, lead to increased costs of care, and adversely impact Veteran care and the fulfillment of the VA mission.

There is a local VA contract # VA248-15-F-2800 which was based off of GEHC's master contract vehicle V797P-6019B, However, tube coverage is excluded from this contract but GE is providing the VA 20% parts and labor discount which has been applied for the tube purchase.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable.** On 10/23/14, this part was previously purchased as an emergency under PO# A50043 in the amount of \$237,650.00. The current list price for this part is \$279,000.00 for the general public. GE is providing the VA a 20% discount of \$55,800.00. The cost will be \$223,200.00 with \$200 shipping and handling; a total cost of \$223,400.00. See documentation in file reflecting this discount. In comparison with the independent government estimate of \$279,000.00, a previous purchase of \$237,650.00, and a 20% discount of \$55,800.00, the price to be paid is considered fair and reasonable to the government.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** No other source is able to provide the warranty for tube to work with the General Electric CT Scanner. Due to the emergent need for this equipment market research was limited to an examination of the acquisition history and experience with the marketplace under previous acquisitions for similar items.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** General Electric Company, also 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:** No actions can be taken to overcome competition barriers in the future. The breakdown of this machine was not anticipated.
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 Eileen M. Blair **Date** 30 Dec 2015
Title Supervisory Biomedical Equipment Support Specialist
Facility Bay Pines VA Healthcare System

13. **Approvals in accordance with the**

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

Janice Fornaro
Contracting Officer
Bay Pines VA Healthcare System

12/30/2015

Date

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

Kawan Afre
NCO-8, Division Chief Commodities

24 JAN 2016

Date