

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID: VA248-16-AP-5199**

1. **Contracting Activity:** Department of Veterans Affairs, NCO-08 C.W. Bill Young VA Medical Center. This is a sole source acquisition for a flat panel detector and installation with purchase request # 516-16-2-2071-0634.
2. **Nature and/or Description of the Action Being Processed:** The purposed action is for an unusual and compelling urgency sole source. A firm fixed price purchase order for a flat panel detector and installation for the Toshiba X-ray system, S/N# 372376 located in the C.W. Bill Young Radiology department. IAW FAR 13.5 supplies and services in the amount greater than the simplified acquisition threshold, but not exceeding the \$7 million will be used for this action.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** One (1) Flat panel detector, P/N: PX24-00369-1 and installation. This requirement was needed on 03/09/2016. The estimated value of the part is \$151,960.00 and installation charge is \$1,100.00. Total price is \$153,060.00.
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;
  - (X) (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):**

The Toshiba X-ray system is used on a daily basis to diagnose patients that receive treatment from the Bay Pines Hospital (Radiology department). Without the repairs to the Toshiba X-

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ray system it would cause the hospital to cancel appointments or cause a life threatening situation for the doctors to make the right clinical call. The system is currently out of service and must be repaired immediately to avoid delay of patient care. Toshiba is also the sole provider of the flat panel detector and will provide services overnight. They have all the necessary parts, knowledge and experience to repair the Toshiba X-ray system. Toshiba staffs are required to install the part to preclude damage by unfamiliar technicians for the \$289,006.00 X-ray machine due to liability requirements.

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 52.202(a)(2) The proposed contract action is made under the conditions described in FAR 6.302-2 (or, for purchases conducted using simplified acquisition procedures, if unusual and compelling urgency precludes competition to the maximum extent practicable) 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, lead to increased costs of care, and adversely impact Veteran care and the fulfillment of the VA mission.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable.** Comparison was made to the IGCE and similar products. Price is the catalog price with a 20% discount. This quote is considered fair and reasonable. IGE Total: \$153,060.00, Catalog price: \$182,352.00, GE Proteus panel \$166,500.00 and GE Definium \$198,000.00. The total price for this acquisition is \$153,060.00.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Surveyed the Internet, System for Award Management (SAM) National Acquisition Center (NAC) Contract Catalog Search Tool (CCST) FSS. Confirmed Toshiba not on excluded parties list, confirmed not available on NAC contract, confirmed vendor in SAM.
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:** Toshiba America Medical Systems, Inc.
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 current competition barriers. The breakdown of this machine was not anticipated and emergency repair is required. Network contracting has requested

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preventive maintenance contract for this equipment. Any future requirements not subject to these emergency circumstances will utilize competitive procedures.

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.

[REDACTED]  
Name:

Title: S

Facility: [REDACTED]

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.

[REDACTED]  
Name:

Title:

Facility: [REDACTED]

Date \_\_\_\_\_

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