

Attachment A: 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 04, VAPHS Medical Center  
Justification for Other Than Full and Open Competition for transaction 646-12-1-068-0011
2. **Nature and/or Description of the Action Being Processed:**  
Full service contract on Excimer laser model CVX 300, serial 80274, to include all parts and service in the repair and maintenance of the device for the period 10/1/11 thru 9/30/12.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**  
The vendor will provide all parts and labor required to service and maintain the Excimer laser. This service contract will begin 10/1/11 and run until 9/30/12 and is estimated at approximately \$21,000.00. To replace expiring SSJ contract 646C10259.
4. **Statutory Authority Permitting Other than Full and Open Competition:**  
(x) (1) Only one responsible source and no other supplies or services will satisfy per FAR 6.302-1(a) and (b);  
(x) (2) Unusual and compelling urgency per FAR 6.302-2(b) and (2).
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**  
  
This highly specialized device is critical to many procedures that take place at this medical center, and is the only device of its kind here at VAPHS. Being a laser, any malfunction in the equipment can cause serious injury to patients and staff. Furthermore there are no qualified technicians to service this equipment at VAPHS and only the vendor has been found to be technically competent to service this equipment. Additionally, maintenance must not be interrupted at this late juncture through a prolonged, fruitless effort to compete what is a sole-source on the basis of one responsible source.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**  
  
In the past the contracting office has issued intent to sole source for this equipment. There have not been any responses to these actions. Another intent to sole-source will be issued for this buy as required.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The supplier, Spectranetics, will maintain their cost- there is no increase for this additional base year (contract will have options this time). There previous price was found to be fair and reasonable, and with the shared corporate knowledge of the COTR, a biomedical engineer, and the CO, this price is viewed as competitive with these kinds of maintenance agreements- some are much more- few are less.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**
- In the past there have been no other vendors able to service this equipment, only the OEM has been able to service this equipment.
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:** None yet.
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:** None. This is viewed as a continuing SSJ- however, this contract will have options to preclude having to frequently award/re-award it.
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 Jason Haines  
Title Acting Chief Biomedical Engineer  
Facility VAPHS

8-30-2011  
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.



Name  
Title  
Facility

8/6/11  
Date

- b. **One Level above Contracting Officer:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Name  
Title  
Facility

\_\_\_\_\_  
Date

- c. **Network Quality Assurance/Compliance Review:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

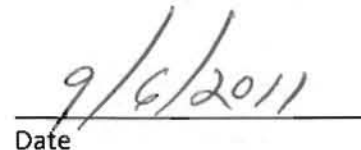
\_\_\_\_\_  
Name  
Title  
Facility

\_\_\_\_\_  
Date

- d. **NCM:** I certify the justification meets requirements for other than full and open competition.

  
\_\_\_\_\_  
Name

Network Contract Manager  
VISN X

  
\_\_\_\_\_  
Date

- e. **SAO East:** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Jeffrey R. Ryan  
Director  
Service Area Office, East

\_\_\_\_\_  
Date



- f. **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 (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.

\_\_\_\_\_  
Frederick Downs, Jr.  
Head of Contracting Activity (HCA)  
Veterans Health Administration

\_\_\_\_\_  
Date

- g. **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  
Office of Acquisition and Logistics  
Senior Procurement Executive (SPE)  
Department of Veterans Affairs

\_\_\_\_\_  
Date