

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition- Brand Name Only

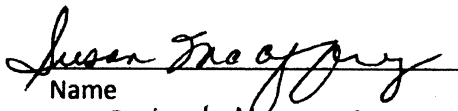
1. **Contracting Activity:** Department of Veterans Affairs, VA Pittsburgh Healthcare System, Acquisitions (90A), 1010 Delafield Road, Pittsburgh, PA 15215, Attn: Contracting Officer, Angelamarie Scott. This is a Justification for Other Than Full and Open Competition for Brand Name Only under transaction number 646-12-1-5685-0011.
2. **Nature and/or Description of the Action Being Processed:** A portion of the work under Firm Fixed Price Acquisition under solicitation VA-244-11-RP-0389, Project Number 646-09-125 to Renovate 1 West Nuclear Medicine, requires services and supplies to disassemble, relocate, reinstall, and test the Department of Veterans Affairs' existing Siemens Cameras.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The services needed are disconnection, disassembly, transport, reassembly, reinstallation, and testing of the equipment present on the 10th floor in accordance with Specification Section 01 00 00 Part 1.1.A and Drawing G102 of the overall construction contract and relocate to the newly renovated 1st floor as part of the overall construction contract. Four (4) Siemens Gamma Cameras and one (1) Siemens Symbia S Camera will be relocated as part of this project. The work will be coordinated with the prime contractor. The estimated total cost for this work is \$224,270.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(g), as implemented by FAR 6.302.

 - (X) (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):**

Only One Responsible Source (FAR 6.302-1) – As the manufacturer of the equipment, Siemens is the source of expertise in installation/operation/troubleshooting of the equipment in the VA's possession. Disassembly, installation, operation, testing, and troubleshooting of the equipment listed above can only be completed by Siemens due to the fact that proprietary software is used in the operation and testing of all of these devices. This software must be accessed and manipulated in the shutdown, installation, testing, and

troubleshooting of this equipment. To properly accomplish this project, which includes the renovation of a new floor of the hospital and relocation of the Nuclear Medicine Dept. to that floor, this acquisition is essential to the Government. Accordingly, Siemens is the only firm capable of providing the supplies and services described in Section 3 above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Since Siemens has proprietary control of the software, no other sources are available that have the capability to manipulate the software, and subsequently, there are no available sources other than Siemens Medical Solutions USA, Inc.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The CO will make a determination of price fair and reasonable based on competition of the overall project consisting of all general construction, including the work identified as Siemens Brand Name Only, alterations, mechanical and electrical work, equipment, utility systems, necessary removal of existing structures and construction to relocate Nuclear Medicine from the 10th Floor to the 1st Floor, adjacent to the Radiology Department.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** No market research was conducted. Siemens has proprietary control over the software that operates and tests this equipment. Possession of this software by any other vendors would be a violation of copyright.
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:** State "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 by the agency in relation to this acquisition. It is inherent to the equipment that has already been purchased.
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
Title Project Manager
Facility Facilities Management Service

11/24/2011
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.

Angellamine Scott
Name
Title Contracting Officer
Facility Acquisitions

11/21/11
Date

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

John A. Pawlik
Name for DAVID STAUDT
Network Contract Manager
VISN/PCA X

11/21/11
Date