

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 5: Request for Exception to Fair Opportunity Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Exception to Fair Opportunity Memo

Acquisition Plan Action ID: VA255-16-AP-3195

1. Contracting Activity:

- Department of Veterans Affairs, VISN 15, Columbia VA Medical Center, is requesting an upgrade to existing equipment;
 - GE CardioLab and ComboLab Z600
 - 2237 – 589-16-3-7311-0081

2. Description of Action:

- Proposed Brand Name Specific upgrade to existing GE equipment to 6.9.6
- Firm Fixed Price Purchase Order

3. Description of Supplies or Services:

- *GE upgrade 6.9.6 provides the latest user-interface and enhancements for workflow and efficiency in the department, resolves the need to migrate from Windows XP to Microsoft Windows 7, Real-time and Customizable Review Screens add to readability and better workflow in the lab, and Cath Measurement Display - Displays multiple measurements with phases in real-time display with single-click review of desired measurements.*
- *The total estimated value of the proposed action is \$67,400.00*

4. *If this is a Brand Name Justification:*

- This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. Based on extensive market research, (see paragraph eight below) it has been determined that limited competition is viable among authorized resellers only for this upgrade to the existing GE CARDIOLAB and COMBOLAB Z600. This justification is in support of FAR 11.105, Items Peculiar to One Manufacturer. GE HealthCare brand name software is proprietary and the only software that can continue to build upon VA's existing GE CARDIOLAB and COMBOLAB Z600 enhanced functionality requirements. Any other software upgrade besides GE is unable to integrate with current fielded equipment and would incur substantial additional costs.

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5. Efforts to Obtain Competition:

- Market research was conducted, details of which are in the market research section of this document. This effort did yield that only those authorized distributors of GE Healthcare are able to meet the Government's requirements concerning this requirement. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

7. Actions to Increase Competition:

- The Government will continue to conduct market research to ascertain if there are any changes in the market place that would enable future actions to be competed.

8. Market Research: ***Provide a description of the market research conducted among the contract holders and the results. If market research was not conducted, the reasons it was not conducted should be stated. When citing 16.505(b)(2)(i)(b) or 16.505(b)(2)(i)(e), the only possible way to state in paragraph 5 of the J&A that there is only one contractor who can fulfill the agency's needs is to conduct market research, and it should be summarized here.***

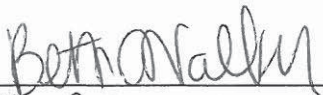
- The Government's technical experts conducted market research obtained in previous procurements(VA255-14-F-2995) within NCO 15. This research identified one small business authorized distributor of GE Healthcare, that provided the previous upgrade in FY14. A search for other available small business distributors has resulted in negative results.

9. Other Facts:

- This requirement is tied to existing equipment that is currently in use by the facility. The upgrade is proprietary to GE or its authorized distributors.

10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)


Name Beth Walker
Title Operations Manager
Facility Harry S. Truman VAMC


Date

11. Determination that Anticipated Cost is Fair and Reasonable: A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable: ***(insert the methods that will be used to determine a fair and reasonable price).***

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

Larry M.

Zaritz 184054

Digitally signed by Larry M. Zaritz 184054
DN: dc=gov, dc=va, o=internal,
ou=people,
0.9.2342.19200300.100.1.1=larry.zaritz@va.
gov, cn=Larry M. Zaritz 184054
Date: 2016.06.14 09:43:31 -05'00'

06/14/2016

Name: Larry M. Zaritz
Title: Contracting Officer
Facility: NCO 15

Date

13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP. *This part is filled out by Contracting Staff as part of the Justification*