

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID:** VAA244-16-AP-4863

1. **Contracting Activity:** Department of Veterans Affairs, NC04, VA Pittsburgh Healthcare System, H.J. Heinz Medical Center. 2237# 693-16-3-179-0060
2. **Nature and/or Description of the Action Being Processed:** Brand Name Only and Sole Seller Sole Source Justification, to award a contract on a sole source basis to Olympus America, for a Olympus Bronchoscope Video Scope System.

**FAR13.5 Simplified Procedures for Certain Commercial Items:** This procurement is for the award of a Contract, in accordance with FAR Part 13.5 Simplified Acquisition Procedures for certain commercial items.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

Furnish and Install Olympus bronchoscope video processors and light towers necessary to upgrade to the most recent generation of the bronchoscope and EBUS (endobronchial ultrasound) systems and scopes that are compatible with the HL7 interface and current scopes being utilized and installed at the VA Wilkes Barre Medical Center facility. The contract will also include the trade-in of VA Olympus equipment for a discount off the total contract price, under the authority at 41 CFR 102-39.

The total estimated price is \$254,497.37. The estimated delivery.

4. **Statutory Authority Permitting Other than Full and Open Competition:**

- (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):**

It is essential to the Government to purchase the Olympus equipment mentioned under #3 above, since no other company's equipment will be compatible with the VA Wilkes Barre Medical Center's existing Olympus HL7 Interface. (See email from Olympus, dated 6/8/2016, under P02 of the Purchase Request Action Briefcase in eCMS)

Olympus is the only responsible source, since although they have three authorized small business re-sellers of their equipment, only Olympus can provide the installation, that requires accessing the Wilkes Barre VA Medical Center's Olympus Endoworks System, since no other company is authorized to install Olympus, and since Olympus does not subcontract to provide installation of their equipment, and therefore is the only company who can meet the total furnish and install turnkey requirement, and since the Government has a right to a turnkey requirement. (See email from Olympus, dated 7/19/2016, under P02 of the Purchase Request Action Briefcase, in the eCMS Contract File)

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A Notice of Intent to Sole Source will be posted to FBO for 3-5 days.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The prices quoted by Olympus are deemed fair and reasonable, since they have confirmed in writing that the open market prices they quoted, are the same as their FSS prices for same items, and since the prices they quoted for the open market items are the same or comparable to the prices Olympus charged the VA under Previous Orders in 2015 and 2016. (See copy of Invoices under S23 of the Solicitation Action Briefcase, in the eCMS Contract File.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

Confirmations were obtained from Olympus, that not all of the needed items are sold off their FSS Contract, and the total amount of the items not sold on their FSS contract exceed the micro purchase threshold and \$25K, and thus cannot be added as incidental items to a FSS Order.

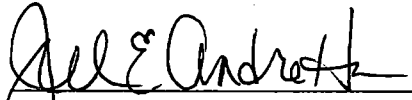
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

Since the contractor must access the VAs existing Olympus Endoworks System to install the needed equipment and to ensure it is functioning properly, the contract would require a Security Requirement for the contractor to either undergo a Background Investigation or have a Business Associate Agreement with the VA, and Olympus already has an existing National Business Associate Agreement with the VA, that satisfies this Security Requirement.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None

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:** N/A

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: Jill E. Andretta

Title: Supervisory RRT

Facility: Wilkes Barre VA Medical Center

7-19-16

Date

13. **Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.**

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

\_\_\_\_\_  
Name: Ronald Mazzei

Title: Contract Specialist/Contracting Officer

Facility: H.J. Heinz

\_\_\_\_\_  
Date

- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Name: Elizabeth R. Morin

Branch Chief Commodities Team

Facility: Coatesville

\_\_\_\_\_  
Date