

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA248-17-AP- EMERGENCY CT Imaging Tube

1. **Contracting Activity:** Department of Veterans Affairs, VISN 08, Bay Pines VA Healthcare System, Biomedical Engineering. Request other than full and open competition, due to an unusual and compelling urgency procurement, due to inoperable CT scanner. This request is of unusual and compelling urgency (FAR 6.302-2). Purchase Request # **516-17-1-2071-0277**
2. **Nature and/or Description of the Action Being Processed:** Procurement of (1) General Electric Computer Tomography Tube. This part is a proprietary part that is supplied by General Electric Company. GE Medical Performix HD CT tube, part D3703T is required to repair down CT scanner. This part is designed to work with our current system.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The X-Ray tube has to comply with the following: The manufacturer of the tube must warranty (warranty must meet or exceed up to 6000 exams or 12 months) the imaging tube. The current tube we are replacing performed 9743 exams, therefore, the warranty has expired. The Radiographic tube must pass the physicist inspection and FDA compliance criteria. The tube must comply with radiation product standards 21 CFR Subchapter J. A new contract is requested for this replacement part and the contract will be a firm fixed price for a commodity replacement part.

Housing, Model 5195800-5, DESC: Performix HD (Housing Maximum Potential Anode to Cathode: 140 KV, Housing Minimum Filtration 3.91mm, Aluminum equivalent at 070 KV)

Insert, Model: 5195900, DESC: Performix HD Insert (Tube Insert Maximum Potential Anode to Cathode: 140 KV, Tube Insert Minimum Filtration 0.04mm, and Aluminum equivalent at 070 KV)

Focal Spots: 2.0 x 1.2 1.6 x 1.2 1.0 x 0.7

The estimated value of this part is \$209,250.00, this product is not on contract; however, GE is providing the VA a 20% discount. Delivery date is immediately as this is an urgent and compelling requirement; there is no period of performance for this request, it is a one-time purchase.

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):** This special part is needed for an emergency repair to a CT Scanner and only this replacement part from the manufacturer can be used. GE is the sole provider of this part. The part is not interchangeable and no other company can provide this part at a fair and reasonable price to the government. A request was submitted through the SmartPool program for the labor portion of this requirement. Only GE can provide, install and warrant this CT scanner to meet regulatory compliance mentioned in #3 above. This is essential equipment/repairs that are needed at once to preclude impairment of healthcare delivery capability and mission performance. Without this machine, the Government could incur serious injury. This machine is used on a daily basis for patient care. While the machine is out of operation it will require that a large number of emergent and scheduled veterans be re-scheduled (approximately 60 per day). EE#78980. The system is currently out of service and must be repaired immediately to avoid delay of patient care. This machine is in operation during business hours and off hours and is used to obtain detailed diagnostic images for diagnosis and treatment planning. Not obtaining the necessary equipment and failing to complete the required repairs will result in serious injury to the Government both in increased costs and adverse impact to Veteran care. Patients are currently being re-scheduled and will continue to be until this machine is back in operation. Re-scheduling patients for critical diagnostic testing will result in delay of diagnosis and/or treatment. Delay of diagnosis has the potential to be life threatening. Having this machine in operation is critical to patient care.

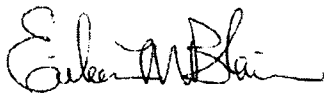
- 6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This acquisition has unusual and compelling urgency that does not allow time to solicit for competition. IAW FAR 5.202(a)(2) the Contracting Officer

need not submit the notice to the Government wide Point of Entry (GPE) when the proposed contract actions is made under the conditions described in FAR 6.302-2 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 in fulfilling its requirements, lead to increased costs of care, and adversely impact Veteran care and the fulfillment of the VA mission.

There is a local VA contract # VA248-16-F-2204 which was based off of GE High Tech Contract (GEHC's) master contract vehicle V797P-6019B, However, tube coverage is excluded from this contract but GE is providing the VA 20% parts and labor discount which has been applied for the tube purchase. The damaged tubes warranty exceeded the 6000 exams and/or 12 months, totaling 9743 exams.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable.** GE is providing the tube immediately and providing a 20% discount to the VA, and the manufacturer's warranty for parts, which is indicated on the quote. This quote is considered fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** No other source is able to provide the warranty for tube to work with the General Electric CT Scanner. Due to the emergent need for this equipment market research was limited to an examination of the acquisition history and experience with the marketplace under previous acquisitions for similar items.
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:** General Electric Company.
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 competition barriers in the future. The breakdown of this machine was not anticipated.
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.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K



Name Eileen M. Blair Date 5 Jan 2017
Title Supervisory Biomedical Equipment Support Specialist
Facility Bay Pines VA Healthcare System

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.



Name Janice Fornaro
Title Contract Specialist
Facility NCO-8 248

Date

1/5/2017

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

Name: _____ Date _____
NCO/PCO 08, Director of Contracting or Designee
Facility NCO-8 248

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(Continuation of Acquisition Plan ID: VA248-17-AP-EMERGENCY CT Imaging Tube)

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable. GE is providing the tube immediately and providing a 20% discount to the VA, and the manufacturer's warranty for parts, which is indicated on the quote. This quote is considered fair and reasonable based off the list price versus their target price. This pricing is also preferred government customer pricing for the VA. This same tube was purchased on 07/29/16 for the same price, \$209,250.00 under contract #VA248-16-P-2394.