

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 12, William S. Middleton Memorial Veterans Hospital is requesting the emergent purchase of the Viking EDX Desktop Base System for Neurology/EMG testing. Transaction number of this request is 607-12-2-969-0147.

2. **Nature and/or Description of the Action Being Processed:** Urgent emergency request for a firm fixed price one time contract.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Neurology Service is requesting the purchase of the Viking EDX Desktop Base System (Product number 982A0589) along with the accessory items to use with this device. Details of the device and accessories are itemized in the quote from CareFusion which is Quotation Number: W12032802LP/CD. Total cost of the Viking EDX device after sales discount is \$39,759.70 which includes installation, operators manual, one day of training, and one year parts and labor warranty.

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;

☒ (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):** The Viking EDX Desktop Base System is being requested as it functions nearly identical to the facilities existing Viking Select EMG system. The current system has become inoperable and the facility is now cancelling patients, there is not appropriate time to evaluate and train staff on devices available from other manufacturers. A new device needs to be obtained immediately so

that we can continue to schedule and test patients muscle function. Without this device we will have to cancel much needed testes which will have negative impact on patient care.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: None, Carefusion is the sole manufacturer and distributor of this equipment.
7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The contracting officer has determined this price to be fair and reasonable based on the quote received from the manufacturer. The quote given to Madison VAMC in order to bring the existing equipment back to working order utilizing refurbished equipment was \$37,270.96. The quote for the brand new piece of equipment was \$39,759.70; only \$2,488.74 more than the refurbished equipment. Even though it will cost more up front, the hospital will save money by purchasing the new piece of equipment by reducing the amount of future repairs to the refurbished piece of equipment. The mfg is also discounting the cost of the new equipment by \$4,223.30.
8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Market research was conducted. No other manufacturers/distributors were found for this product.
9. Any Other Facts Supporting the Use of Other than Full and Open Competition: The Viking EMG equipment is well known to the Madison VA Neurology Staff and they are very familiar with the operation and functionality of this equipment.
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: Normally, the Neurology Service at the Madison VA Hospital does extensive evaluation of numerous equipment manufacturers equipment. The unexpected and unique circumstances surrounding the failure of the Viking Select system did not afford us the opportunity to perform and extensive evaluation of equipment but this will be resumed with future equipment requests.
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.
(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)

NAME

TITLE

DATE

FACILITY

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.



Jason R. Baltutis _____
NAME

04/02/2012 _____
DATE

Contracting Officer _____
TITLE

GLAC _____
FACILITY

- b. VISN/PCA QA: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief. *This signature may be the VISN NCM/PCM if the Contracting Officer and Contracting Supervisor is the same individual.

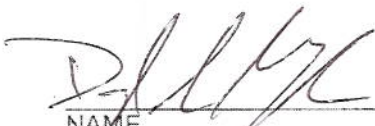
NAME

DATE

TITLE

FACILITY

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

Cor


NAME
CHRISTINE HANSEN
Network/Program Contract Manager
VISN 12

4/4/2012

DATE

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

Director
Service Area Office

Date

d. VHA HCA's 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.

Head of Contracting Activity (HCA)
Veterans Health Administration

DATE