

LIMITED SOURCES JUSTIFICATION

ORDER >\$150,000

FAR PART 8.405-6

Acquisition Plan Action ID: VA256-17--AP-4040

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source: Provide original manufacturer's name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: SIEMENS MEDICAL SOLUTIONS USA, INC

Manufacturer/Contractor POC & phone number: Angela Clemmons (919) 468-7364

Mfgr/Contractor Address: SIEMENS MEDICAL SOLUTIONS USA, 4302 AVENUE F, AUSTIN TX 78751

Dealer/Rep address/phone number: Angela Clemmons SIEMENS MEDICAL SOLUTIONS USA, 4302 AVENUE F, AUSTIN TX 78751 (919) 468-7364

☒ The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY: Department of Veterans Affairs
Michael E. DeBakey VAMC
2002 Holcombe BLVD
77030

VISN: 16

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

Sole Source procurement to Siemens. Siemens will provide all emergency maintenance and semi-annual preventive maintenance inspections to Siemens Radiographic Systems located at the MEDICAL CENTER 2002 HOLCOMBE BLVD. Houston, TX. 77030.

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

Services required to meet the Agency need are for the contractor to provide all part, software, labor transportation, personnel, equipment , Uptime guarantee of 97% or greater , Phone response under 30min after request has been initiated, On-site response under 4 hours after request has been initiated, Preventative maintenance that follows the original manufacturer guidelines and frequency, Software updates for all equipment as they become available from the original manufacturer, Technical Phone Support with certified Siemens Customer Service representatives for assistance in technical support, Remote services and diagnostic Services, application Hotline

Phone Support with certified Siemens Clinical Education Specialists to assist with application specific questions, and virus protection.

(b) ESTIMATED DOLLAR VALUE: \$ \$588,819.00

(c) REQUIRED DELIVERY DATE: April 1, 2017

(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE. (CHECK ALL THAT APPLY AND COMPLETE)

☒ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

Original Equipment Manufacturer with specific maintenance guidelines for the government owned equipment.

☒ A patent, copyright or proprietary data limits competition. The proprietary data is: **Siemens rights and data to include software to provide service for the government equipment listed below.** (If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

Item #	System Name	Functional Location
1	Aristos TX	400-051783
2	syngo MMWP	400-082787
3	MAGNETOM Trio ATS	400-279088
4	MR syngo MM Workplace	400-279089
5	MR syngo MM Workplace	400-279091
6	Symbia T6	400-453505
7	Symbia T6	400-464850
8	Symbia T6	400-455245
9	Symbia.Net Single-User	400-453506
10	Symbia.Net Single-User	400-464851
11	Symbia.Net Single-User	400-455246
12	Urooskop Omnia Max	400-453248
13	ARCADIS Avantic	400-453249

☐ These are “direct replacements” parts/components for existing equipment.

NA

☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

NA

☐ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

NA

☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

NA

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

There is only one responsible source and no other suppliers or services will satisfy the agency requirements. The system contains proprietary hardware and software that only the original manufacturer (OEM) can provide satisfactory maintenance due to proprietary test equipment, tools and diagnostic software.

Equipment is used daily in regards to patient care.

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

Contracting Officer posted Sources Sought notice VA 256-17-N-0331 For Siemens Service Contract with NAIC 811219 with return of Zero (0) SDVOSB responses or any other Small Business Concerns from Contractors.

Siemen Medical Solution USA Inc (Large Business) under contract number SPM2D1-09-D-8314/V797P-6029B is able to meet the government requirement.

The Contracting Officer can confirm that two or more SDVOSBs/VOSBs are not available on any of the types of existing contracts per the guidance for applying VA Rule of Two 38 U.S.C. 8127(d) Supplies and Services before proceeding to an open market purchase.

Contracting Officer in order to solidify if any SDVOSB possess the capability, trained by Siemens, authorized by Siemens to obtain software and parts requested a clarification from one

contractor IMED Biomedical Inc (see attached). The responses required from Sources Sought were required from IMED, however did not receive any clarification from contractor IMED (see attached). Per the Sources Sought posted interested contractors per Section 5 were to provide responses in order for the government to consider response part of the Market Research.

Contractor was non responsive to the request (see attached). Government requested certain responses in the Sources Sought due to previous history where the contractor was not able to obtain original equipment part and software.

Contracting Officer, in addition sent via email Sources Sought Notice to various SDOSBs from the VIP search for Keyword Siemen and NAIC 81129. Returned zero responses. (See Attached)

Government requires Siemen trained Technicians and software to keep government equipment operational.

Siemen, in addition posse's proprietary hardware and software, and only services or trained contractor by Siemen can provide services for the government Siemen Systems.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

NA

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

The Michael E. DeBakey VA Medical Center will consider, compare, and evaluate any alternative contractors with capability and training from original equipment manufacturer to provide maintenance services.

(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

MOROLAKE M
OMORUYI 433610

Digitally signed by MOROLAKE M OMORUYI 433610
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0.9.2342.19200300.100.1.1=morolake.omoruyi@va.go
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Date: 2017.03.01 12:01:48 -06'00'

Morolake Omoruyi
Biomedical Engineer
MEDVAMC

Date

(10) APPROVALS IN ACCORDANCE WITH THE VHAPM, Volume 6, Chapter VI: OFOC SOP:

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Anthony C Marion
131115

Digitally signed by Anthony C Marion 131115
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=anthony.marion2
@va.gov, cn=Anthony C Marion 131115
Date: 2017.03.01 11:10:41 -06'00'

ANTHONY CP MARION
CONTRACTING OFFICER
Network Contracting Office 16

Date

James G Fulks 131108

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DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=ames.fulks@va.gov, cn=James G
Fulks 131108
Date: 2017.03.01 12:30:40 -06'00'

JAMES G. FULKS
Branch Chief, DIV I SER B
Network Contracting Office 16

Date

b. Director of Contracting/DESIGNEE: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

David W. Miller
382161

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0.9.2342.19200300.100.1.1=david.miller11@va.gov,
cn=David W. Miller 382161
Date: 2017.03.01 16:44:03 -06'00'

David W. Miller
Director of Contracting (Acting)
Network 16 Contracting Office

Date