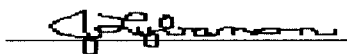


8. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The labor hour's hourly rate is a fixed price rate for similar or like equipment repairs in industry. When compared to previous acquisitions of electronic medical equipment in February 2012 purchase order 673-C20388 and March 2012 673-C20452 the labor rate was equal to the rate proposed at this time of award. The price offered for Cath lab equipment repair equals the government estimate and reasonable represents the best value to meet Government needs.
9. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Past efforts to locate third-party vendors who can obtain parts and provide service on this highly specialized medical equipment have turned up no additional sources other than the OEM. No additional market research was performed for this service requirement due to the urgent and compelling need for the repairs to be completed. This agency is committed to the competitive spirit of all procurement regulations. It is our policy to seek full and open competition to the largest extent possible while fulfilling the necessary requirements.
10. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** A statement of work has been developed for this procurement (time and materials repair), but the critical need for these repair services is time-sensitive and delays can have an adverse impact on patient care. Many medical equipment manufacturers, including Philips Medical Systems have proprietary service documentation, diagnostic tools, software, and equipment, as well as parts. Third party companies do not have access to these necessary resources and therefore often cannot complete maintenance work on high-tech medical equipment. As equipment ages or becomes more common, manufacturers become less guarded about sharing these resources with competitors. As this state-of-the-art equipment ages, it is likely that there will be some other vendors who may be able to perform maintenance work.
11. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**
Government acquired no interested parties due to urgency of need for repair.
12. **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:**
The Government shall post a notice on Federal Business Opportunities that permits prospective vendors to submit their respective technical capabilities solely for consideration in future acquisitions for similar supplies and services.
13. **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.



Julie I. Lybanon
Chief, Biomedical Engineering Section
Facilities Management Service
James A. Haley Veterans' Hospital

May 11, 2012
Date

14. 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.

Michael Wilson

SAOEAST
SERVICE AREA OFFICE - EAST

Digitally signed by: MICHAEL W.
WILSON 422415
DN: CN = MICHAEL W. WILSON 422415
O = internal OU = people
Date: 2012.05.15 14:11:21 -05'00'

Name
Title
Facility

Date

- b. **One Level above Contracting Officer:** 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 if the Contracting Officer and Contracting Supervisor is the same individual.

Ronald D. Musie

Name Ronald D. Musie

Title Team Lead C.O. / Acts PLS

Facility JANUH, Tampa, FL

15 May 2012

Date

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

Name
Network Contract Manager
VISN 8

Date

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

Jeffrey R. Ryan
Director
Service Area Office, East

Date

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 8, James A. Haley Veterans' Hospital
- 2.
3. **Nature and/or Description of the Action Being Processed:** This is a one-time request for Other Than Full and Open Competition for the procurement of materials/parts to repair system Philips Medical Systems Cardiac Cath Lab to first class operating condition. System will not complete a full study.
4. **Description of Supplies/Services Required to Meet the Agency's Needs:** Philips Medical Systems is the original equipment manufacturer (OEM) and no other vendors have been found who can obtain the necessary repair parts for this type of repair. The cardiac cath lab is unusable in its current state. Patient procedures will either need to be cancelled or sent out to other facilities on fee basis until this system can be returned to full operation. The Philips cardiac cath lab is a highly specialized system, which JAHVA technician does not have the parts or specialized skills to perform the critical level of service.
5. **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;
6. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The hospital must have functional medical equipment that is used for patient procedures. Philips Medical Systems is the manufacturer and exclusive distributor of this specific diagnostic patient care equipment. Although there are normally third-party repair companies that can perform repairs on some high-tech medical equipment and systems, there are no third-party repair companies that have been located that can perform work or procure the necessary repair parts for this level of repair on this highly specialized system. Without timely repair of this system, patient procedures would need to be postponed (if clinically possible due to the patients' conditions) or sent to other facilities on fee basis. Non-emergent procedures are already scheduled (including a full schedule daily) and would need to be postponed and rescheduled if possible or sent out.
7. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Past efforts to locate third-party vendors who can obtain new parts on this highly specialized medical equipment have turned up no additional sources other than the OEM.