

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval
For
Other Than Full and Open Competition**

Acquisition Plan Action ID: VA246-17-AP-5145

1. Contracting Activity: Department of Veterans Affairs, VISN 06, Hampton VA Medical Center, Hampton, Virginia 23667. Purchase Request # 652-17-2-157-0067

2. Nature and/or Description of the Action Being Processed:

This procurement is for maintenance and repair services of Olympus Brand Scopes for the Richmond VAMC executed in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

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

The Richmond VAMC is in need of a maintenance and repair services of Olympus Brand Scopes to ensure that its Endoscopic Equipment is operational at all times to perform diagnostic procedures. Scopes need to perform in accordance with manufacturers specifications and the facility needs to be able to maintain approved procedures associated with sterile processing IAW the facilities approved Standard Operating Procedures for patient safety standards. Estimated Value: REDACTED.

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):

Olympus America informed the Contracting Officer that there were no authorized third party repair service providers for their equipment, and submitted sole source documentation stating such. The Documentation states, "Olympus America Inc. does not have any authorized third party firms for repair and maintenance services on its endoscope and related products, nor does Olympus sell original equipment manufacturer parts, tools, or jigs from to any third party. You should also be aware that use of non-Olympus parts may invalidate the limited warranty, and it will invalidate the reprocessing (cleaning and disinfection) instructions provided in the device's instructions for use. "

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

The Contracting Officer contacted Olympus America to determine whether recent business relationships with third party resellers have matured into authorizations for support services for equipment sold. Olympus America Inc. responded with "Olympus America Inc. does not have any authorized third party firms for repair and maintenance services on its endoscope and related products, nor does Olympus sell original equipment manufacturer parts, tools, or jigs from to any third party."

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

Budgetary pricing is commensurate with that of previous Richmond Contract Pricing and that of the Durham VAMC. The contracting officer anticipates that fair and reasonable pricing shall ultimately be obtained prior to the award of any subsequent contract.

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

Market research was performed during requirements development. During such time, the Contracting Officer reached out to the manufacturer of the equipment, Olympus America. Olympus informed the Contracting Officer that there were no authorized third party repair service providers for their equipment, and submitted sole' source documentation stating such. The Documentation states, "Olympus America Inc. does not have any authorized third party firms for repair and maintenance services on its endoscope and related products, nor does Olympus sell original equipment manufacturer parts, tools, or jigs from to any third party."

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

Olympus America further stated "You should also be aware that use of non-Olympus parts may invalidate the limited warranty, and it will invalidate the reprocessing (cleaning and disinfection) instructions provided in the device's instructions for use."

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

Olympus America Inc.
Medical Systems Group
Olympus America, Inc.
3500 Corporate Parkway
Center Valley, PA 18034

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:

Market research shall be performed prior to the award of any follow-on project for these services to determine whether this requirement could be satisfied via any other means.

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.

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.
