

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA263-16-AP-9448

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 23, Fargo, ND.
2. **Nature and/or Description of the Action Being Processed:** The St. Cloud VA is seeking to lease a mobile CT Scanner to bridge a coverage gap during a period of construction. A base year lease with the option to extend the contract for up to two optional years is contemplated. It is in the VA's best interest that the mobile CT scanner is manufacturer by Siemens. This J&A is to support a Brand Name Only solicitation.

***FAR13.5 Simplified Procedures for Certain Commercial Items:** This procurement is 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 St. Cloud VA Health Care System has a requirement to lease a mobile CT trailer. This CT trailer should include a Siemens 64 Slice CT scanner which runs on the Windows 7 operating system, capable of interfacing with VA information systems. The service and support of the trailer and CT scanner will be included in the lease but the personnel required to operate the CT scanner on a daily basis will NOT be included in the lease. If all options are exercised, the total estimated value of this contract will be [REDACTED].

4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (x) (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;

***FAR13.5 Simplified Procedures for Certain Commercial Items:** The authority for applying the Simplified Procedures for Commercial Items is FAR 13.5 is 41 U.S.C. 1901 and is implemented for restricting competition on this procurement via FAR 13.106-1(b)(2).*

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**
It is in the VA's best interest to limit consideration of this lease to a Siemens manufactured CT scanner. The St. Cloud VA imaging department is in the process of replacing its existing CT scanner and expanding into a new Radiology Center. The mobile unit requested will be utilized during the shutdown period for removal of the existing CT scanner in place at the facility, and installation of a

new Siemens 64 slice CT scanner. Then, due to the projected workload of the St. Cloud VA Health Care System and the new VHA Lung Cancer Screening program where a total of two operational CT scanners are required, the mobile unit will provide second CT scanner functionality while the new radiology wing is constructed and a second permanent CT Scanner is installed.

The new CT scanner (the first of two permanent 64 slice CT Scanners) was procured by the VA’s National Acquisition Center using competitive procedures. The award was for a new Siemen’s 64 slice CT scanner. Leasing a mobile scanner by the same manufacturer will allow staff to become trained and proficient while the new unit is being installed; eliminating the need for downtime for training and instruction once the permanent unit is operational. Additionally, because the CT scanners are considered high tech medical equipment (HTME) by the National Acquisition Center, having the same manufacturer for the scanners decreases the risk for recalling patients for “retakes” and unnecessarily exposing patients to additional radiation exposure. Using the same manufacturer for both the mobile and the permanent CT scanners will allow VA St. Cloud to provide the safest care for patients by being able to limit the patient’s exposure to unnecessary radiation. It will also increase efficiencies and reduce the need for training for more than one manufacturers system.

For these reasons, clinician continuity, reduced training, and overall consistency of patient care, it is in the VA’s best interest to limit consideration to sources that can supply a Siemens 64 slice mobile CT scanner.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** For the reasons described above it has been concluded that the VA will receive its best value if it limits consideration to Siemens brand only CT Scanners. A Sources Sought was issued seeking vendors capable of providing the Siemens 64 Slice CT scanners with the below vendors responding:

Responses to Sources Sought #					
VA26317N0534	Business size	OEM (Yes or No)	If not OEM, proposing:	VIP	OEM Size:
Interim Diagnostic Imaging LLC	Small	No	Siemens	No	LB
Medwheels	EDWOSB, HZ	No	Siemens	No	LB
Patriot Vet IT	SDVOSB	No	Siemens	SDVOSB	LB
Shared Medical Services, Inc.	Large	No	Siemens	No	LB
Trillamed	SDVOSB	No	Siemens	SDVOSB	LB
Healtheon	HZ	No	Siemens	No	LB

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** As mentioned above, it is anticipated that a brand name solicitation will be competitive. Ideally I will be able to base the fair and reasonable determination on competitive pricing. If competitive pricing is not received, I will compare the quoted price to those readily available on GSA which have been previously determined fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** For the reasons mentioned above consideration is being limited to Siemens brand only CT scanners. A sources sought was issued and 6 vendors responded. It is anticipated that a brand name only solicitation for a mobile Siemens CT scanner will be competitive.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** This J&A is for issuance of a brand name only solicitation.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** In addition to the vendors responding positively to the RFI described above, Salvadorini Consulting, an SDVOSB, has

expressed an interest in fulfilling this requirement for the VA, however they stated that they cannot provide the 64 Slice Siemens operating on Windows 7.

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: As mentioned in paragraph 4 above, consideration is being limited to Siemens only due to the results of a competitive acquisition conducted by the NAC. Because the Siemens scanner was determined to be the best value to the VA during that competition, it is in the best interest of the VA that Siemens solution fill this void during installation and construction. It is expected that when the new CT scanner reaches its end of life that a new competitive procurement will be conducted.

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.

MARILYN A
CRANDELL
213885

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@va.gov, cn MARILYN A CRANDELL
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Date 2017.05.01 09:46:30 -0500'

Marilyn Crandell
Supervisory, DRT
St. Cloud VA Health Care System (656)

5/1/2017

Date

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.

JESSE R.
RHEAULT 442124

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va.gov, cn JESSE R. RHEAULT 442124
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Jesse R. Rheault
Contracting Officer
NCO 23

5/1/2017

Date

b. **Director of Contracting /Designee:** I certify the justification meets requirements for other than full and open competition.

Daryl A.
Berg 429170

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va.gov, cn Daryl A. Berg 429170
Date 2017.05.10 09:40:36 -0500'

Daryl A. Berg
NCO 23 Director of Contracting

05/10/2017

Date

c. **VHA SAO HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and approve for other than full and open competition.

Linda S.
Greaves 404790

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Linda S. Greaves
Acting Director, SAO Central Region
SAO Central Head of Contracting (HCA)

5/18/2017

Date