

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA263-17-AP-8837

1. **Contracting Activity:** Department of Veterans Affairs, VISN 23, Minneapolis VA Health Care Center, NCO 23 Contracting – St Cloud, 618-17-3-4008-0964
2. **Nature and/or Description of the Action Being Processed:** This was an emergency firm fixed price purchase order for the parts and labor to repair the Minneapolis VA Emergency Department's Acquilion One CT scanner by Toshiba American Medical. The emergency request was received on Friday May 12th 2017 and required award the same day so that the repair could be completed on Monday May 15th 2017.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This emergency request was to replace the x-ray tube to repair the Minneapolis VA's Emergency Department's Acquilion One CT scanner. The Acquilion One CT Scanner is used to diagnose and determine treatment options for serious medical conditions such as artery blockage, strokes and or cardiac arrhythmia which often require immediate treatment.

Estimated Cost: \$220,000

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):** This was an emergency procurement for the tube replacement for the Minneapolis VA's Emergency Department's Toshiba Acquilion One CT scanner. The malfunction of the tube made the CT system inoperable and required immediate repair to restore functionality to reduce the effect on patient care. The scanner is utilized for the diagnosis of serious medical conditions such as artery blockage, strokes and cardiac arrhythmia which often require immediate treatment. Not having this technology available could cause patient's irreparable harm if delays in testing and diagnosis are encountered. The request was received in Contracting on 5/12/17 and required same day award so that the repair could be completed on 5/15/17. Due to the emergent nature the award was made to Toshiba, a large business, who is the manufacture of the scanner and the only known vendor that can provide both the parts and service to repair the scanner.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Due to the emergency nature of this procurement and the request for same-day award, no additional market research was completed and no public postings seeking competition were made.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price will be determined fair and reasonable based on comparison to the IGCE, list pricing and previous repairs as well as taking into account any discounts that may be provided.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Due to the emergency nature of this procurement, no market research was completed and no public postings seeking competition were made.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** NA
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** NA
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 will be conducted for future repairs, that are not deemed to be an unusual and compelling urgency, to determine if there are other vendors that are authorized to provide the parts and labor necessary to complete the repair.
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.

Petroura Hansen
Biomedical Engineer
Minneapolis VA Health Care System

5/17/2017

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.

Eric Zintek
Contracting Officer
NCO 23 – St Cloud

5/18/2017

Date

- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Scott Petrin
NCO 23 Division I Chief

5/18/2017

Date