

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

**1. Contracting Activity:** Department of Veterans Affairs, Network 16 Contracting Activity, Michael E. DeBakey Veterans Affairs Medical Center (MEDVAMC), located at 2002 Holcombe Boulevard, Houston, TX 77030. Justification for Other Than Full and Open Competition for 580-12-3-5063-2393.

**2. Nature and/or Description of the Action Being Processed:** The MEDVAMC intends to enter into a new firm-fixed-price contract with General Electric Company (GE), 3000 North Grandview Boulevard, Waukesha, WI 53188, for the repair of one GE Lunar Bone Densitometer equipment.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:** The MEDVAMC, located in Houston, Texas, is in need of a non-personal equipment repair services for the GE Lunar Bone Densitometer; Serial Number 200437. Services are to cover the parts, labor, materials, tools, equipment, travel and supervision. Period of performance will be May 31, 2012, until the repair is complete.

**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):** The GE Lunar Bone Densitometer is highly specialized equipment. Only GE certified technicians have the access and expertise to provide maintenance to the equipment. Repairs performed by non-certified personnel will void warranties or liabilities that may be in effect. Market Research identified no other vendors capable of providing these services. A sources sought notice was issued via FedBizOpps.gov and two interested vendors replied. Neither company provided their firm's capability statement by the due date as required in the notice. Neither firm's CCR registry included NAICS 811219. Accordingly, it is reasonable to conclude that General Electric Company is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements. Furthermore, solicitation of this requirement presents no added savings to the Government and represents additional administrative costs.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market Research was conducted in accordance with FAR Part 10. All mandatory sources were inquired in accordance with the requirements set forth in FAR 8.002(a)(2) priorities for use of Government sources. A large number of sources were queried including AbilityOne, FSS GSA listings, FBO, and open market internet resources. According to the manufacturer, General Electric Company, no third parties are capable of providing adequate repair services to this type of equipment. A sources sought notice was issued on May 25, 2012 under RFI# VA256-12-I-1064 and two interested vendors responded; Enlightened Software, Inc and Jack Novicio Insurance Agency, Inc. Neither company provided their firm's capability statement by the due date as required in the notice. Neither firm's CCR registry included NAICS 811219. The agency believes this confirms that GE is the only source capable of meeting the agency's need. The requirement shall be synopsisized as a commercial item/service in accordance with FAR 5.003.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Prices provided to the Government from GE are equivalent to those offered to industry. The Contracting Officer compared pricing with previous awarded contracts with other OEMs and determined GE's price is fair and reasonable.

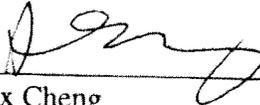
**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** As described in Section VI above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** GE has factory-trained and qualified service engineers that can perform the necessary repair. No other firm appeared to be qualified to service this type of equipment through the Sources Sought notice issued through FBO.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section '6' above.

**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:** This equipment is Government-owned; therefore, if repair service is required in the future, a new Sources Sought notice will be issued to determine if any company can provide the service.

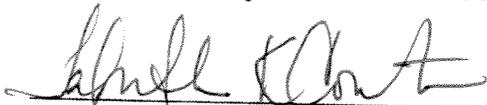
**12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

  
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Alex Cheng  
Biomedical Engineer  
MEDVAMC

6/1/2012  
\_\_\_\_\_  
Date

**13. 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.

  
\_\_\_\_\_  
Tabitha Contreras

6/1/12  
\_\_\_\_\_  
Date

CONTRACTING OFFICER  
MEDVAMC, NETWORK 16 CONTRACTING ACTIVITY

**b. CHIEF P&C:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

*Acting P&C*  
  
\_\_\_\_\_  
Toni Clendenen

6/1/12  
\_\_\_\_\_  
Date

CHIEF, PURCHASING AND CONTRACTING  
MEDVAMC, NETWORK 16 CONTRACTING ACTIVITY

