

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval  
For  
Exception to Fair Opportunity Memo**

**Acquisition Plan Action ID: VA255-17-AP-5569**

**1. Contracting Activity:** Department of Veterans Affairs, VISN 15 *Kansas City* VA Medical Center

SAO Central NCO 15  
3450 S. 4<sup>th</sup> Street  
Leavenworth, Ks. 66048

Kansas City VAMC  
4801 E. Linwood Blvd  
Kansas City MO. 64128-2226

**2. Description of Action:**

This requirement is to establish a firm fixed price contract for the lease of a fully capable mobile GE CT Scanner, 64 slice for the Kansas City VAMC while their current GE CT Scanner is being repaired. This contract will have a base rental of two-months with the ability to extend services using three one month options as needed. Requirement includes Immediate delivery, set up, operation and maintenance along with vendor provided training on all features of the equipment to KCVAMC radiology staff and others as applicable for those who will operate the equipment and provide supporting services. Equipment shall be in a good state of repair with all required Preventive Maintenance (PM), per manufacturer's recommendations, up to date upon set up at the hospital Vendor shall perform continuing PM and any necessary debugging and repairs for the duration of the contract Vendor shall perform continuing PM and any necessary debugging and repairs for the duration of the contract. Safely accessible by ambulatory and non-ambulatory patients and staff, including litter-borne patients.

**3. Description of Supplies or Services:**

Must be compatible with available electrical power at the facility (successful vendor in advance of contract award will provide exact electrical specifications for review by KCVAMC Engineering so that proper electrical service is available upon delivery). Capable of running on vendor provided back-up/self-contained electrical power (generator) for periods of necessity. Able to transmit scans via data lines into the facility in a compatible format and under strict security measures with VHA requirements to permit reading by VHA radiologists and uploading as part of current VHA patient record-keeping system (this capability must be verified by submission via Facility Biomed to Facility OI&T—PACS System. Total estimate is \$200,000.00 (inclusive of options)

**Statutory Authority:** The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505 Subpart 16.505(b)(2)(i):

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- ( ) FAR Subpart 16.505(b)(2)(i)(A): The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.
- ( ) FAR Subpart 16.505(b)(2)(i)(B): Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.
- ( ) FAR Subpart 16.505(b)(2)(i)(C): The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.
- ( ) FAR Subpart 16.505(b)(2)(i)(D): It is necessary to place an order to satisfy a minimum guarantee.
- (X) FAR Subpart 16.505(b)(2)(i)(E): For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source". The statutory authority permitting an exception to fair opportunity for this action is 38 U.S.C. 8127(c), known as the Veterans First Contracting Program which provides the authority to directly contract with a Service-Disabled Veteran-Owned Small Business (SDVOSB) or a Veteran-Owned Small Business (VOSB).
- ( ) FAR Subpart 16.505(b)(2)(i)(F) In accordance with section 1331 of Public Law 111-240 (15 U.S.C. 644(r)), contracting officers may, at their discretion, set aside orders for any of the small business concerns identified in 19.000(a)(3). When setting aside orders for small business concerns, the specific small business program eligibility requirements identified in part 19 apply.

**4. Rationale Supporting Use of Authority Cited Above:**

This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer to assist in minimizing patient care interruptions while current unit is under repair. The GE 64 slice CT Scanner requested is the same manufacturer and model that is in repair at the Kansas City VAMC. Utilizing the same make and model will assist in minimizing additional costs associated with providing training to the staff on unfamiliar equipment since the learning curve would be minimal. Also since this unit will utilize the same ports and network requirements as the current unit, implementation of connectivity with in the network would not require additional parts or configurations. Based on extensive research, there is one known SDVOSB Vendor that offers the GE 64 slice CT Scanner and they are familiar with the operation of the Kansas City VAMC as they are currently under contract providing a lease for a MRI

**5. Efforts to Obtain Competition:** Market Research was conducted to determine available sources, See below in item# 7.

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6. **Actions to Increase Competition:** *This requirement is a short-term solution to allow for continued patient services to be provided while current unit is repaired. Market Research was conducted to seek other sources, See item #7 below.*

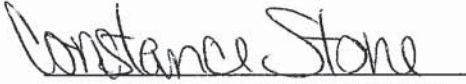
7. **Market Research:**

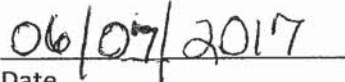
The Government's technical experts conducted market research and established 6 possible sources that could offer rental/lease required. Of the 6 vendors noted;

- Two were a large business,
- Two were small businesses
- One was a Service Disabled Veteran Owned Small Businesses (SDVOSB)
  - Salvadorini Consulting LLC
- One was a Veteran Owned Small Business (VOSB)
  - Shared Medical – Currently not registered in System for Award Management (SAM)
- Additional searches on VIP Database identified 5 potential other VOSBs available
  - One was identified on the technical experts list of potential vendors
    - Salvadorini Consulting LLC
  - The other four did not have the capabilities to provide the lease required (See Market Research in contract briefcase.

8. **Technical and Requirements Certification:** I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

*(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)*

  
Constance Stone, BHM, RT(R)(CT)  
Chief Technologist, Radiology  
Kansas City VAMC

  
Date

11. **Determination that Anticipated Cost is Fair and Reasonable:** A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable: ***(insert the methods that will be used to determine a fair and reasonable price).***

12. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

PENNY J CAPPS 492179

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Date: 2017.06.08 08:29:40 -05'00'

Name: Penny Capps

Date

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Title: Contracting Officer  
Facility

13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP. *This part is filled out by Contracting Staff as part of the Justification*

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

Randall D COMBS 345226

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Date: 2017.06.08 09:17:46 -05'00'

Name: Randall Combs

Date

NCO/PCO XX Director of Contracting or Designee

Facility