

## DEPARTMENT OF VETERANS AFFAIRS

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

1. **Contracting Activity:** Department of Veterans Affairs Network Contracting Office 6, on behalf of the VA Asheville Medical Center (VAMC) in Asheville, North Carolina; purchase request number 637-16-1-062-0008.
2. **Nature and/or Description of the Action Being Processed:** This procurement will be executed in accordance with FAR 13.5 Test Program for Certain Commercial Items. VAMC Asheville, NC has a service contract requirement for maintenance and OEM repair of Getinge USA medical equipment.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** A firm, fixed-price contract to the original equipment manufacturer, Getinge USA, with four (4) pre-priced option years is planned for the requirement (base year value of [REDACTED], with total contract value of [REDACTED]). Option years are anticipated for the award as this is a recurring requirement at the Medical Center.

**Period of Performance:**


Base Year	October 1, 2015 through September 30, 2016
Option Year 1	October 1, 2016 through September 30, 2017
Option Year 2	October 1, 2016 through September 30, 2018
Option Year 3	October 1, 2018 through September 30, 2019
Option Year 4	October 1, 2019 through September 30, 2020

4. **Statutory Authority Permitting Other than Full and Open Competition.** 41 USC §3304(a)(1), as implemented by FAR 6.302-1:  
☒ (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):** Current and past market research indicates the manufacturer is the sole provider of maintenance and/or repairs for the noted equipment that maintains the warranty properties; M&R by any other company would void the warranties and invalidate all product liability regulations. Further research at FPDS-NG.gov and FBO.gov supports the decision to contract with the manufacturer for the required services.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** As stated above, both current and past market research efforts for same or similar service has resulted in restricted procurements for maintenance and repair of Getinge USA equipment.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost of this procurement (total contract value of [REDACTED]) is considered fair and reasonable based on the historical annual procurements for the same service at VAMC Asheville, NC. Additionally, administrative costs in support of this procurement will be reduced by the inclusion of option years as the former annual contracts required significant administrative time and effort to put in place.

FY15 contract value (VA246-15-P-0773, 637-C50058) for this service was [REDACTED] the estimated cost of the upcoming fiscal year is [REDACTED] for an increase of less than 1%. Each pre-price option year also shows an incremental increase of less than 1%.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Pursuant to FAR Part 10, market research was conducted by reviewing historical procurements for the same service, along with researching same or similar scope procurements at both FPDS-NG.gov and FBO.gov. All efforts, including Sources Sought notices, did not determine sources capable to satisfying the requirement. Specifically, while sources may exist that have technical capability to maintain or repair similar equipment, none were certified nor authorized by the manufacturer. As such, all warranties associated with the equipment would be void if the OEM is not utilized.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** All facts supporting this Justification are stated above.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Getinge USA Incorporated, the original equipment manufacturer.
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:** At this time, there are no actions to be taken which will foster competition for future procurement actions supporting the service being acquired. At which time the Medical Center is in need of new equipment to meet their needs, a competitive procurement for the maintenance and repair of said equipment may be included. However, the maintenance services of this requirement are best met for the Government by the approval of this Justification as its intent is to reduce administrative effort of annual procurements as well as ensure fair and reasonable pricing.
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.

  
Douglas E. Morris  
Biomedical Engineering  
Facilities Mgmt. Service  
Asheville VA Medical Center

9/24/15  
Date 

**13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP:**

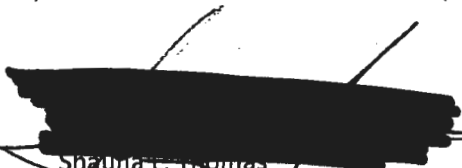
- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Darla Hurlock  
Contract Specialist  
Network Contracting Office 6

9-24-15  
Date

- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.



Shauna E. Thomas  
Division Chief, NCO 6  
Director of Contracting (Designee)  
Network Contracting Office 6

9/24/15  
Date