

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>\$150K)

1. **Contracting Activity:** Department of Veterans Affairs, NCO 23, St. Cloud VA Health Care System, 4801 Veterans Drive St. Cloud, MN 56303.
2. **Nature and/or Description of the Action Being Processed:** An emergency firm fixed price purchase order for all labor, parts, and materials, transportation to repair a Philips system located at the Lincoln VA. The unit is the only imaging equipment designed for certain tests located at the Lincoln VA and is used to provide critical images of the body. Without these parts, the unit is non-functional and therefore will negatively affect patient care by making exam wait times longer. Estimated Cost: \$323,633.44 for Parts, Labor, and Shipping.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Lincoln VA has a requirement for all labor, parts, and materials, transportation to repair a Philips system.
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;
 - (x) (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 done on 5/31/17. Initial request was received on 5/31/17 but flooding overnight caused this emergency to become immediate so the manufacturer was contacted for immediate shipment. The unit this part will be place in is a Food and Drug Administration approved piece of medical equipment and therefore part substitution is not approved. Without this part, the unit is non-functional and therefore will negatively affect patient care by making exam wait times longer. Philips is the manufacturer and has the new part on-hand for immediate delivery.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Philips has two known vendors SDVOSB resellers that have some Philips parts, the need became immediate and contacting the manufacturer directly was the best option due to time critical patient care and immediate need.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Price will be determined fair and reasonable through reviewing past purchases, list pricing and comparable items.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Philips has two known vendors SDVOSB resellers that have some Philips parts, the need became immediate and contacting the manufacturer directly was the best option due to time critical patient care and immediate need. Philips is the Original Equipment Manufacturer for this equipment and will not authorize the use of third party vendors for repairs requiring certified field engineers. The use of third party vendors will invalidate the manufacturer warranty. Therefore, no other VOSB/SDVOSB, 8(a), Hubzone, or SBs were contacted.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None
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 procurements to determine if there are any other manufactures' products that are compatible with the existing Lincoln VA's equipment.
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.

James Rider
Biomedical Equipment Support Specialist
Lincoln VA

Date

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

- 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.

Wendy Hoeschen
Contracting Officer
NCO 23

Date

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

- 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
Branch Chief
NCO 23

Date