

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval For Other Than Full and Open Competition

Acquisition Plan Action ID: VA248-17-AP-13225

1. **Contracting Activity:** Department of Veterans Affairs, VISN 8, Bay Pines VA Healthcare System, 10,000 Bay Pines Blvd, Bay Pines, FL 33744.

Transaction #516-18-1-2071-0009

2. **Nature and/or Description of the Action Being Processed:** This is a sole source request to procure an annual service agreement for preventive maintenance, repairs, and software upgrades on Getinge sterilizers and washer-disinfector systems through Getinge USA, Inc., 1777 E Henrietta Rd, Rochester, NY 14623 under FAR 13.501(a) Sole source (including brand name) acquisitions. Federal Acquisition Regulation (FAR) Part 13.5 Simplified Procedures for Certain Commercial Items: In Accordance With (IAW) FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Bay Pines VA Healthcare System utilizes several complete sterile processing systems comprised of Getinge 8668 Washer-Disinfectors and 733HC-E Sterilizers to clean, disinfect, and sterilize medical instruments. It is vital to properly disinfect medical instruments to help prevent the chances of diseases and bacteria being spread, which can result in serious illness or death. The contractor shall provide all labor, transportation, test equipment, diagnostic software, proprietary parts, and minor supplies (lubricants, cleaners, etc.) required to perform preventive maintenance, repairs, and software upgrades on Getinge sterilizers and washer-disinfector systems. Preventive maintenance and repair includes all portions of the system, and any attached accessories. Vendor must be an authorized service provider through Getinge USA, Inc., be located within 100 miles of the C.W. Bill Young VA Medical Center (CWBYVAMC), 10,000 Bay Pines Blvd, Bay Pines, Florida 33744, and have access to proprietary information needed to access service mode data and codes for software updates/equipment repairs. The Period of Performance (POP) is 10/1/2017 – 9/30/2018, with four (4) option years.

Equipment list:

EE #112531 SN: WAA065644 Model #8668, WASHER/DECONTAMINATION UNITS 1C102-100
EE #112532 SN: WAA065686 Model #8668, WASHER/DECONTAMINATION UNITS 1C102-100
EE #112533 SN: WAA065881 Model #8668, WASHER/DECONTAMINATION UNITS 1C102-100
EE #113449 SN: URA065795 Model #733HC-E, STERILIZING UNITS: STEAM 1C109-100
EE #113451 SN: URA066774 Model #733HC-E, STERILIZING UNITS: STEAM 1C109-100
EE #113452 SN: URA066773 Model #733HC-E, STERILIZING UNITS: STEAM 1C109-100

The Independent Government Cost Estimate (IGCE) is as follows:

Timeframe	Amount (Est)	Due Date (Est)
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Base Year		10/1/2017 thru 9/30/2018
Option Year 1		10/1/2018 thru 9/30/2019
Option Year 2		10/1/2019 thru 9/30/2020
Option Year 3		10/1/2020 thru 9/30/2021
Option Year 4		10/1/2021 thru 9/30/2022

TOTAL:

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 U.S.C. 1901, as implemented by FAR 13.5 Simplified Procedures for Certain Commercial Items utilizing FAR 13.106-1(b)(2).

- ☐ (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;
- ☒ (8) FAR 13.106-1(b)(2)

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 Government intends to award a sole source award to Getinge USA, Inc. to procure an annual service agreement for preventive maintenance, repairs, and software upgrades on Getinge 8668 Washer-Disinfectors and 733HC-E Sterilizers IAW FAR 13.501(a). Getinge USA, Inc. is the Original Equipment Manufacturer (OEM) of the 8668 Washers/Decontamination Units and 733HC-E Sterilizers requiring maintenance. Getinge parts, equipment, and software are proprietary. The responding field service technician must be factory trained to perform preventive maintenance, repairs, and software upgrades on Getinge sterilizers and washer-disinfector systems. Software updates and upgrades are not available from any other source. Compliance with the specifics of the warranty and the service agreement is required. Services attempted or performed by any person or company not authorized to perform such service will constitute a breach of the agreement and will consequently void the warranty on the systems currently in operation. The VA has invested over \$630,784.60 in our current highly specialized Getinge disinfection systems, changing to another system would cause unacceptable delays and a substantial duplication of cost to the Government that is not expected to be recovered through competition.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research was conducted, details of which are in the market research section of this document. Additionally, on 7/25/2017, a Special Notice of Intent to Sole Source to Getinge USA, Inc. was posted on FBO.gov under VA24817N1277, which closed on 8/1/2017 with no responses. This effort did not yield any additional sources that can meet the Government's requirements. There is no competition anticipated for this acquisition. In accordance with FAR 13.501(a)(1)(iii), this action will be synopsisized at award on FBO.gov and the justification will be made publicly available IAW FAR 6.305 procedures. At this time, no other companies have OEM trained and certified technicians who can provide preventive maintenance, repairs, and software upgrades on the proprietary Getinge sterilizers and washer-disinfector systems.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** A price comparison will be made against recent VA purchases, commercial pricing, and the IGCE.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted using NAICS code 811219 and the PSC of J065 via FBO, SBA's Dynamic Small Business website, SAM, NAC tools, GSA Advantage, NASA SEWP, and VETBIZ. A Special Notice of Intent to Sole Source to Getinge USA, Inc. was posted on FBO under VA24817N1277, without any responses from interested vendors (see Section 6 above). Market research has demonstrated that the only source for preventive maintenance, repairs, and software upgrades on the proprietary Getinge sterilizers and washer-disinfector systems is the manufacturer, Getinge USA, Inc.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Getinge USA, Inc. has proprietary rights on all software upgrades, parts, and services on their equipment.
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:** Currently Getinge USA, Inc. is the only vendor authorized to provide all services required in the Statement of Work (SOW). In the future, the Bay Pines VA Healthcare System will consider, compare, and evaluate any alternative contractors with the capability and training from the OEM to provide maintenance services and software upgrades.
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.

[Redacted Signature]
Name: Eileen M. Blair

[Redacted Date]
Date

Title: Supervisory Biomedical Equipment Support Specialist
Facility: C.W. Bill Young VA Medical Center

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.

[Redacted Signature]
Name: Steven P. Scharlow

[Redacted Date]
Date

Title: Contracting Officer
Facility: C.W. Bill Young VA Medical Center