

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA246-17-AP-11431

1. **Contracting Activity:** Department of Veterans Affairs, NCO 06, on behalf of VAMC Hampton Medical Center in Hampton, VA intends to procure an annual maintenance agreement under 2237 #658-18-1-076-0022 Order will be placed against VA NAC 797H-17-D-0024.
2. **Nature and/or Description of the Action Being Processed:** The objective of this request is to procure by means Other Than Full and Open Competition to support the operations of the Diagnostic Imaging Equipment at the VA Medical Center in Salem, Virginia (VAMC). A new contract, firm-fixed-priced, is planned for this service agreement.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** VAMC at Salem, Virginia has an ongoing need for equipment maintenance that is proprietary to GE Maintenance Certified Technicians only. The estimated value of this procurement is \$140,063.00.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (X) (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):**

Contract is for service both annual and otherwise as noted in SOW for the Diagnostic Imaging Equipment. The equipment maintenance is proprietary to GE Certified Technicians. GE has not authorized other companies to apply for or receive GE Certifications. Although GE has established partnerships with small businesses to distribute some equipment no such agreement exists for service. Part of the annual maintenance is the updates to workflow modules. This maintenance cannot be completed without specific software and service technologies are the sole property of GE. Other parties may service their products and may sell similar types of service but lack the technology and software for the iCenter. The portion of the service is critical to daily operations of the equipment as it operates the remote diagnostics. This portion equates to not only equipment operational time but also to overall cost of maintenance.

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6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

The presence of a proprietary service letter requested and included with the submitted quote provided proof no further potential sources were available. Review of past practice historical information supported this finding.

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:**

The cost when compared to the past three years is considered fair and reasonable. The cost when compared to similar contracts at other medical facilities is considered to be fair and reasonable. When considering a similar package less the iCenter with run time vs down time the cost is far less expensive than using a similar package.

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 to the point that Proprietary Rights were discovered, further considerations were made based on the use of the iCenter and Biomed determined no additional research was necessary.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition: Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

No additional information is available or necessary.

10. **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:**

Until GE equipment is solicited for replacement or the company changes their policy barrier removal will not be possible.

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11. 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.

Cheryl Winkle
Joseph Wilder

October 26, 2017
Date

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12. **Approvals in accordance with the [VHAPM Part 806.3 OFOC SOP](#):**

- 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.

Kim Pauley
Contracting Officer, NCO 6

11/21/2017

Date

- b. **One Level Above the Contracting Officer (Required over \$150K but not exceeding \$700K)**: I certify the justification meets requirements for other than full and open competition.

Lee Russell
Branch Chief, Supply 4, NCO 6

11/22/2017

Date