

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** The Department of Veterans Affairs, SAO West, VISN 18 Consolidated Contracting Activity, located at 707 East 3rd Street, Big Spring, TX 79720, intends to enter into a firm-fixed-price contract on the basis of justification for other than full and open competition on behalf of the West Texas VA Health Care System (WTVAHCS) under purchase request number 519-12-4-664-0669.
2. **Nature and/or Description of the Action Being Processed:** The procurement for the repair of one (1) Siemens Sensation 64 CAT Scanner, located in Building 1 of the WTVAHCS, will be awarded to Siemens Industry, Inc., 1000 Deerfield Parkway, Buffalo Grove, IL 60089-4547.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The requirement is to provide the WTVAHCS with inspection and possible repair services for the Siemens Sensation 64 CAT Scanner, Serial Number: 0410288, located in Building 1 at 300 Veterans Blvd., Big Spring, TX 79720, at a total cost to the Government not to exceed [REDACTED]. Proper operation of the CAT scanner is essential to direct patient care; therefore, corrective action will be taken to repair this vital system.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(2), as implemented by FAR 6.302.2
 - (x) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
Authority: (1) Citation: 41 U.S.C. 253(c)(2)
"The head of an agency may use procedures other than competitive procedures only when the agency's need for the property or services is of such unusual and compelling urgency that the United States would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals."
 - () (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):** The Siemens Sensation 64 CAT Scanner is a highly specialized Computer Tomography system used by the

WTVAHCS in the direct care of patients. Market Research has identified two (2) possible providers of inspection and repair services; the first being PartsSource, Inc. The second source identified is Siemens Industry, Inc.

6. **Description of Efforts Made to Ensure that Offers are Solicited from as many Potential Sources as Deemed Practicable:** Market Research was conducted in accordance with FAR Part 10. All mandatory sources were inquired in accordance with the requirements set forth in FAR 8.002(2) Priorities for use of Government supply sources – Services. A large number of sources were queried including AbilityOne, FSS GSA listings, Vetbiz, FBO and open market internet resources. A Request for Information was published to the Government Point of Entry, FBO.gov and resulted in one interested vendor, PartsSource, Inc.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated dollar value for the contract action will be [REDACTED] for inspection and possible repairs. This will be a firm price award not to exceed [REDACTED]. The services needed have been determined to be commercial as defined in FAR 2.101; cost or pricing data will not be required. Market research discovered publically posted cost/price rates offered to the Government and the private sector. Therefore, the price of [REDACTED] is considered Fair and Reasonable.
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 in accordance with FAR Part 10. All mandatory sources were inquired in accordance with the requirement set forth in FAR 8.002(2) Priorities for use of Government supply sources – Services. A large number of sources were queried including AbilityOne, FSS GSA listings, Vetbiz, FBO and open market internet resources.

The National Acquisition Center (NAC) was queried concerning the use of V797P-6029B, Siemens Medical Solutions U.S.A., Inc.; however, it was determined that repairs to the cooling system are not covered under this Federal Supply Schedule contract and must be handled by Siemens Industry, Inc., a separate division of Siemens. Siemens Industry, Inc. holds GSA contracts under GS-07F-8728D, GS-07F-05880N, and GS-06F-0033P; however, through communication with Connie Green, Siemens Governmental Representative, 512-777-9371, the specific repair of the Siemens Sensation 64 CAT Scanner cooling system is not covered under schedule.

A Request for Information was published to the Government Point of Entry, FBO.gov on July 27, 2012, and resulted in one interested vendor, PartsSource, Inc.
9. **Any Other Facts Supporting the Use of Other Than Full and Open Competition:** Delay in award would result in potential physical injury of patients to the WTVAHCS and could result in serious financial injury to the Department of Veterans Affairs.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**
 - PartsSource, Inc.
 - 777 Lena Drive
 - Aurora, OH 44202

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 Suppliers or Services Required:

The proposed award is for the immediate repair of Siemens Sensation 64 CAT Scanner. Preventive Maintenance Services will not be included in this requirement and can be solicited using full and open competition using procedures in accordance with the FAR and as outline in FAR Part 12 – Acquisition of Commercial Items.

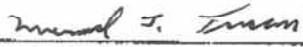
12. Requirements Certification: I certify that the requirement outlined in this justification for other than full and open competition is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which is included in this justification, are accurate and complete to the best of my knowledge and belief.

for 
Daniel Martin
Supervisor Projects Section
WTVAHCS

8-3-12
Date

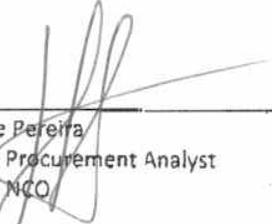
13. Approvals in Accordance with FAR 6.304:

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


Michael J. Tusinger
Contracting Officer
VISN 18 NCO

8-3-12
Date

b. VISN/PCA QA (required \$3K and above): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

*Acting
Karon White*

Paulette Pereira
VISN 18 Procurement Analyst
VISN 18 NCO

8/10/12
Date

c. NCM/PCM (required \$3K and above): I certify that the foregoing justification meets requirements for other than full and open competition.

*Acting
Karon White*

Sabrina J. Smith
VISN 18 Network Contract Manager

8/10/12
Date