

**LIMITED SOURCES JUSTIFICATION**

**ORDER >SAT**

**FAR PART 8.405-6**

**Acquisition Plan Action ID:** \_\_\_\_\_

- 1. Contracting Activity:** Department of Veterans Affairs  
VISN 16, Biloxi Medical Center (520)  
Network Contracting Office (NCO) 16  
400 Veterans Avenue  
Biloxi, MS 39531-2410  
*Identify purchase request (i.e. 2237) number, if applicable.*
- 2. Description of Action:** This acquisition is conducted under the authority of the Multiple-Award Schedule Program (41 U.S.C. 251 and 40 U.S.C. 501). *Medical imaging equipment maintenance services. This is a new requirement*  
Order against: ☐ FSS Contract Number: \_\_\_\_\_

Name of Proposed Contractor: Philips Healthcare  
Street Address: 22100 Bothell Everett Hwy  
City, State, Zip: Bothell, WA 98021-8431  
Phone: Joseph Crowell (901)481-3408

**3. Description of Supplies or Services:**

The estimated value of the proposed action is \$ [REDACTED]

Services shall be rendered during 10/1/2018 through 9/30/2019

Medical imaging equipment maintenance services for the following:

Brand	Model/Device	Site #	Location	Contract Type
Philips	Rad-Digital Diagnost Dual Detector	42105916	Pensacola	Support
Philips	Rad-Digital Diagnost Dual Detector	42105914	Pensacola	Support

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Philips	Rad-Digital Diagnost Dual Detector	47172193	Mobile	Support
Philips	MR – Achieva 1.5T High Performance	41445979	Pensacola	Support
Philips	X-ray – Corado Eleva	47671708	Pensacola	Support
Philips	RF- EasyDiagnost Eleva DRF	41446797	Pensacola	Support

**(4) IDENTIFY THE AUTHORITY AND SUPPORTING RATIONALE (see 8.405-6(a)(1)(i)(A), (B), and (C) or 8.405-6(b)), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE. (CHECK ALL THAT APPLY AND COMPLETE)**

- ☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.
- ☒ Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized Philips Healthcare has the legal rights to proprietary equipment and software; OEM parts/supplies and factory trained certified technicians. Use of any other source other than Philips Healthcare would void the equipment. Also the mandatory hardware and software upgrades must be provided by a qualified field service engineer.
- ☐ In the interest of economy and efficiency, the new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.
- ☒ Items peculiar to one manufacturer:
- ☒ A patent, copyright or proprietary data limits competition. The proprietary data is: (If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.) Hardware, software and OEM parts
- ☒ These are "direct replacements" parts/components for existing equipment. Failure to use OEM parts could result in risk to the government in patient safety as well as unexpected cost.

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☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

**(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.404(d) TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE**

**DETERMINATION:** The price is considered fair and reasonable based on the requirements stated in FAR 8.404(d). The NAC has determined the prices for fixed-price services, and rates for services offered at hourly rates, to be fair and reasonable.

**(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:**

Market research revealed several SDVOSB/VOSB's and two small businesses. Historically, the requested services have been provided by Philips Healthcare. Philips Healthcare is the OEM and has proprietary ownership of all hardware and software to include PM services and parts. PHILIPS HEALTHCARE does not use other distributors.

Market research was conducted via VetBiz Registry and the SBA Dynamic Small Business Database.

**(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:**

These services have been provided for the GCVHCS, Biloxi MS since Oct. 2011 under a FSS NAC contract using limited source justification to GE. Market research indicates PHILIPS HEALTHCARE has proprietary ownership.

**(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:**

Full and open competition may be sought when the hardware and software required for the equipment are no longer proprietary. It would not be cost effective to replace Philips Healthcare imaging equipment to a brand which does not have proprietary rights.

**(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

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[REDACTED]

SIGNATURE

DATE

[REDACTED]

NAME

[REDACTED]

TITLE

Engineering/Biomedical  
SERVICE LINE/SECTION

[REDACTED]

FACILITY

**(10) APPROVALS IN ACCORDANCE WITH THE VHAPM Part 806.3 OFOC SOP:** *This part if filled out by Contracting Staff as part of the Justification*

**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]

CONTRACTING OFFICER/DESIGNEE'S SIGNATURE

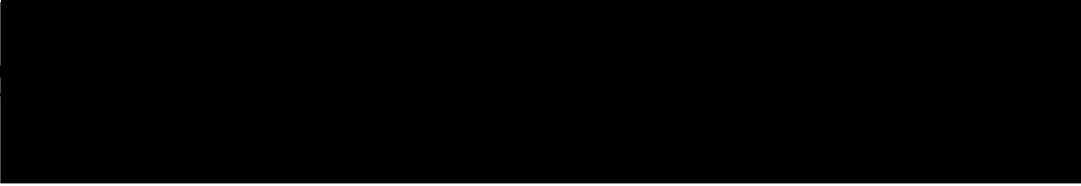
DATE

NAME AND TITLE

FACILITY

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



NAME  
NCO/PCO XX Duty Title