

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 12, Jesse Brown VA Medical Center
Justification for other than full and open competition; Purchase Request No. 537-12-4-969-0416.

2. **Nature and/or Description of the Action Being Processed:** New firm-fixed price contract for the purchase of one TVC Imaging System from Infraredx, Inc.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** One intravascular near infrared spectroscopy (NIRS) imaging system.

Product No.	Description	Quantity
NIRS-MC7	TVC Imaging System	1

Estimated Cost: \$95,000.00

Estimated Delivery: September 2012

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;

(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 new and highly specialized TVC Imaging System uses infrared spectrometry to identify coronary lesion morphology. This system is the only one of its kind in the marketplace that is FDA approved for the detection of lipid core plaques (LCP) of interest. This system aids the physician engaged in coronary interventions to determine the type of treatment plan needed. The purchase of this equipment will increase the quality of care provided to the patient and help mitigate negative outcomes. There is no other such system in the marketplace.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Sources sought notice VA69D-12-Q-1309 was posted to FedBizOps on August 14, 2012 seeking vendors capable of providing the following brand-name or equal near infrared spectroscopy intravascular imaging system: Infraredx TVC Imaging System. No responses were received.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The cost of the requested equipment is deemed fair and reasonable with the quoted price being \$60,000 below open market list price.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Searches on the GSA and NAC online product catalogs as well as Google failed to yield any additional sources of equipment similar to that of which is requested. Additionally, no responses were received from the Sources Sought Notice posted to FBO.

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:** None.

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.

Mladen I. Vidovich

8/22/2012

Mladen I. Vidovich, MD

NAME

DATE

Chief, Cardiology

Jesse Brown VA Medical Center, Chicago, IL

TITLE

FACILITY

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.

Matthew G. Gault

22 Aug 2012

NAME

DATE

Matthew G. Gault

CO

GLAC

TITLE

FACILITY

b. **NCM/PCM:** I certify the justification meets requirements for other than full and open competition.

for *Linda Krupich*

8-23-12

NAME

DATE

Network/Program Contract Manager

VISN 12