

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 20, Boise VA Medical Center.
2. **Nature and/or Description of the Action Being Processed:** This action will be for the one time repair of two endoscope sterilizer machines at the Boise VA Medical Center. This equipment is critical and required to sterilize scopes. Currently, these machines cannot be used and therefore cannot sterilize endoscopes having a direct adverse effect on veteran patient care.

Description of Supplies/Services Required to Meet the Agency's Needs: An Emergency 2237 from Bio Medical Engineering (531-12-4-5052-0185) was sent over for a contractor to trouble shoot and repair two EVOTCEH Endoscope Reprocessing machines in SPD. In addition to the urgent and compelling nature of this service, the equipment is proprietary in nature and must be repaired by Advanced Sterilization Products which is under Johnson & Johnson Health Care Systems. Until the equipment is repaired, it is highly likely that cases will have to be postponed or contractually sent out for care and treatment. The Boise VA Medical Center's Biomedical Department does not have a factory trained technician authorized to service this equipment. Estimated cost is NTE: \$15K.

3. **Statutory Authority Permitting Other than Full and Open Competition:** *41 USC §253(c)(1), as implemented by FAR 6.302-1. (2) Unusual and Compelling Urgency per FAR 6.302-2;*
4. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The Boise VA Medical Center has worked with Johnson & Johnson previously for servicing this equipment. This contractor is the authorized service provider for this proprietary equipment. Until the equipment is repaired, procedure/ surgical cases will have to be delayed, postponed and possibly sent out to the community for care and treatment. This increases the amount of money the BVAMC has to spend on fee basis care that could routinely be accomplished in-house.
5. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Due to the urgent and compelling nature for the device parts/repair, no other vendor's were sought.
6. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** This is a one-time repair service which also includes anticipated parts, labor, and travel for the technician. The Boise VAMC has previous and current experience with this vendor. The published flat rate service call rate with travel is \$345.00 an hour. Estimated total cost is \$8,500.00. The NTE of \$15K is for parts which are not yet known will be needed or not. Cost knowledge from previous work under contract per the Bio-Medical Engineers concurs with the reasonable costs for this work. I believe to the best of

my knowledge, there are no factors that exist which lead me to question that this price is not fair and reasonable.

7. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** As stated above, no other market research was conducted due to urgency and proprietary.
8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** As stated above, the urgency of the repair to maintain the continuity of patient care, the likelihood of incurring fee basis expenditures, and the established service call prices makes the selection of Johnson & Johnson the best value choice for the described actions.
9. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None.
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:** Due to the certified/authorized technicians required to service the machines in question, the urgency of this requirement, there are no other actions that could have been reasonably accomplished. Had this not been an emergency, this procurement would have been solicited or a sources sought posted. This is a one time job.
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.



John MacBride
Contracting Specialist
NCO 20

27 SEP 12

Date

12. **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.



John Kopp
Contracts Manager
NCO 20

27 SEP 12

Date