

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval (J&A)  
For  
Other Than Full and Open Competition (>SAT)**

**Acquisition Plan Action ID: 36C248-19-AP-4607**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 08, James A. Haley VA Hospital (JAHVH). The purchase request is 2237: 673-19-4-6048-0031.
2. **Nature and/or Description of the Action Being Processed:** The JAHVH is seeking a vendor to provide support, disinfecting, maintenance, and repair to its existing Medivator biomedical systems. The award will be made as a new firm-fixed price contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The requirement is to ensure the Biomedical Engineering Service maintain the proper disinfected and sanitized for its original equipment manufacturer (OEM) from Medivator. The services are also required to allow the fiberoptic scopes used for surgical procedures are maintained at its optimal level. The period of performance for this requirement is September 23rd, 2019 to September 22nd, 2024, to include base and four 12 month options. The estimated total value
4. **Statutory Authority Permitting Other than Full and Open Competition:**  
(X) Simplified Procedures for Certain Commercial Items per FAR 13.5. The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Medivator is the brand name for OEM and distributor for their equipment. The JAHVH utilize the Medivator equipment to provide direct patient care for diagnosis, critical studies, and life sustaining treatments. These systems are considered highly specialized and requires specialized technicians to perform maintenance and repairs to sustain optimal performances on these equipment. JAHVH will require a contractor to respond in 24 hours to perform diagnostics, calibrations, and perform proprietary software upgrades as needed. The requirement will require the Medivator systems to be aligned with manufacture's specifications. Medivator's technicians are whereby certified to perform these duties to meet the manufacture's specifications. In order to meet the specified deadlines on instances where malfunctions may occur and the VA has to provide immediate patient care, Medivators Inc, as the OEM has the technicians with inherent knowledge and skills who would be capable to meet the agency's needs.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Preliminary market research was conducted by the customer to include internet web searches and previous emergency repair contracts for same/similar services. The Contracting Officer conducted market research using VIP and posted a sources sought and RFI notice using 36C24819Q1173 for 10 days. There were no responses from the sources sought notice.

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP  
Attachment 2: Request for Sole Source Justification Format >SAT

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** Fair and reasonable prices will be demonstrated through the market research and the prices for similar repairs and maintenance contracts.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** There were no results found in VIP when NAICS code 811219, Electronic and Precision Equipment Repair and Maintenance, and Medivator disinfecting equipment maintenance when queried. The CO also posted an RFI dated July 17<sup>th</sup>, 2019 which yield no responses. Based on the results of the market research, the CO is unable to confirm that the Rule of Two can be satisfied for this action.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**  
N/A
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**  
The Government obtained no responses from the Sources Sought notice posted on the Federal Business Opportunities ([www.fbo.gov](http://www.fbo.gov)) website.
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:**  
The Government intends to post this Justification for Other than Full and Open Competition to [www.fedbizopps.gov](http://www.fedbizopps.gov), which will allow industry an opportunity to understand the government's needs and potentially submit their capabilities to fulfill these requirements
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.

\_\_\_\_\_  
Chief, Biomedical Engineering  
JAHVH

\_\_\_\_\_  
9/5/19  
Date

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**13. 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.

\_\_\_\_\_  
Contracting Officer  
NCO 8  
JAHVH

\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Brian Maclean  
NCO 8, Branch Chief Services  
JAHVH

Date: 2019/05/12 12:54:23

\_\_\_\_\_  
Date