

**LIMITED SOURCES JUSTIFICATION
ORDER >\$3,000**

2237 Transaction # or Vista Equipment Transaction #: 671-13-2-5099-0536

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source:

Manufacturer/Contractor: Philips Healthcare
Manufacturer/Contractor POC & phone number: Joe Karam, (210) 497-8965
Mfgr/Contractor Address: 3000 Minuteman Road, M/S 400 Andover, MA 01810

☒ The requested material or service represents the minimum requirements of the Government.

(1) **AGENCY AND CONTRACTING ACTIVITY:** Department of Veterans Affairs
VHA
Network Contracting Office 17
7400 Merton Minter Blvd., San Antonio
TX 78229
VISN: 17

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

This is a request for other than full and open competition. The Veterans Health Administration, Network Contracting Office 17 (NCO 17) intends to negotiate and award an emergency purchase order on a sole source basis to Philips Healthcare for a one time repair of a Gamma Camera Scanning Medical System.

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

The objective of this purchase request is to purchase a onetime repair service for a Gamma Camera Scanning Medical System. Philips Medical Systems shall provide services to repair, upgrade, calibrate and/or replace defective parts for the system. All replacement parts shall be new. The service includes all necessary labor, parts, travel expenses, tools, test equipment, transportation and incidentals necessary for the repair. Philips Medical systems shall provide a detailed service report upon completion of the repair.

(b) ESTIMATED DOLLAR VALUE: \$ 16,000.00

(c) REQUIRED DELIVERY DATE: February 6, 2013 – March 6, 2013

(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.

☐ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

- ☐ A patent, copyright or proprietary data limits competition.
- ☐ These are "direct replacements" parts/components for existing equipment.

☐ 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.

☐ 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.

☒ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

The Gamma Camera Scanning System uses small amounts of radioactive substances to look at images of the function of certain parts of the body to allow doctors to diagnose conditions. The Gamma Camera takes the images. The system can be utilized to detect abnormal turnover of bone which can occur with cancers, arthritis infection and as a normal response to injury. The detectors within the system are currently malfunctioning while calibration is being performed. The system provides diagnostic images prescribed by the attending physician for the purpose of deciding what course of action is required to alleviate pain, prevent suffering, illness and/or death. Additionally, prescribing further diagnostic procedures or medications. Failure to repair the system within a timely manner will greatly impair patient care and negatively impact daily operations

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

The contracting officer shall determine pricing fair and reasonable based on comparison of the proposed price with prices found reasonable on previous purchases for similar services. The required service is listed as fixed price on the FSS. A firm fixed price (FFP) task order will be issued in accordance with FAR Part 8. GSA has already determined the prices of supplies under schedule to be fair and reasonable. Price evaluation will be conducted in accordance with FAR 8.405-2(d). By utilizing GSA schedules, even in a limited sources environment, the Government typically has access to a viable number of possible contractors with the unique

skills to provide services as required. However, in this case, the required services can only be provided by the incumbent.

In accordance with FAR 8.404(d), ordering activities may seek additional discounts before placing an order; additional negotiations may occur if considered necessary. Execution of this FFP task order benefits the Government, enabling the agency to accomplish its mission more efficiently and effectively by taking advantage of GSA's specialized expertise and gaining access to contractors with the needed specialized skills and capabilities. By placing orders against the schedule contract using the procedures in 8.405, the ordering activity has concluded that the order represents best value (as defined in FAR 2.101) and results in the lowest overall cost alternative to meet the Government's needs.

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

Limited market research was conducted by the requesting service and the Contracting Officer due to urgent and compelling circumstances. Phone contact with suggested source Philips Healthcare (Joe Karam) on 02/05/2013 revealed that service was available on Philip's mandatory Federal Supply Schedule contract (V797P2238D). Further research revealed that the service is commercial in nature and can only be obtained from the suggested source.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

Philips Healthcare is the manufacturer of this equipment and sole proprietor. No other manufacturers or repair companies have the capability to access the systems software and are not qualified to service this system. This is a priority "Emergency" purchase request and order for this service cannot be delayed.

(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:

There are no other actions that can be taken to overcome barriers at this time. In addition to this requirement being urgent and compelling; Philips Healthcare is the manufacturer of this equipment and the sole source provider for repair services for this equipment.

(9) APPROVALS IN ACCORDANCE WITH FAR 8.405-6(h):

2/20/2013

X Michael Schneider

Michael Schneider
Supervisor Biomedical Eng

Approvals:

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the justification meets requirements for other than full and open competition. I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



SHAUNDRICA M. CLOSE

Contracting Officer

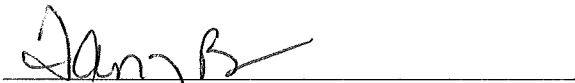
Network Contracting Office (NCO 17)

Service Area Office (SAO) – West

U.S. Department of Veterans Affairs

2/23/13
DATE

b. FIRST SUPERVISOR: I certify that the justification meets requirements for other than full and open competition. I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



TANZANIA BROWN

Supervisor, NCO 17, SAO-W

2/25/13
DATE