

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. Contracting Activity: Department of Veterans Affairs, Network Contracting Office 15, St Louis VAMC, John Cochran, 915 N Grand Blvd., Saint Louis, MO 63106-1621.

The St. Louis VA Medical Center Facilities Engineering Service has requested a contract for Emergency repair of the repair of the Toshiba 1.5 MRI unit.

The 2237 Purchase request number is 657-13-3-1578-0337.

2. Nature and/or Description of the Action Being Processed:

Procurement of labor and materials to perform on-site repair of the Toshiba 1.5 MRI Unit, located at the St. Louis VA Medical Center. This will be a firm-fixed price contract.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

This service is for the procurement of labor and materials to perform on-site repair of the Toshiba 1.5 MRI unit. The Toshiba 1.5 MRI unit has failing components resulting in the degradation of images. The Toshiba 1.5 MRI unit is the only 1.5 MRI located at the St. Louis VA Medical Center. The VA will receive a 50% discount per the current partnership service agreement on all parts contracts with Toshiba.

Total estimated cost for these services is \$65,000.00 for one time purchase.

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):

Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 302-1; Toshiba Medical Systems holds the proprietary rights to the highly specialized operating software of this equipment. The Toshiba 1.5 MRI unit must be calibrated with the appropriate proprietary software interface before being put back into service. Following repair, the Toshiba Medical Systems trained technician must access the operating software on the Toshiba 1.5 MRI unit to calibrate the newly installed parts.

Unusual and Compelling Urgency per FAR 6.302-2; The STL VAMC request is needed to repair Toshiba 1.5 MRI unit. The Toshiba 1.5 MRI Unit is the only 1.5 MRI located at the St. Louis VA Medical Center. This is an essential piece of equipment that is needed at once to preclude further impairment of healthcare delivery capabilities and mission performance. The delay in the repair of equipment would result in an adverse impact to patient care and may require the government to incur substantial cost for fee basing out patients.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

Only one responsible sources: 10 USC 2304(c) (1). No other vendor provides this service.

- Toshiba Medical Systems holds the proprietary rights to the operating software of this equipment. The Toshiba 1.5 MRI unit must be calibrated with the appropriate proprietary software interface before being put back into service. Following repair, the Toshiba Medical Systems trained technician must access the operating software on the MRI unit to calibrate the newly installed parts.
- FPDS search results identified one vendor (TOSHIBA AMERICA INFORMATION SYSTEMS, INC.) that could provide the service requested by the customer.
- A Google search located only one company (TOSHIBA AMERICA INFORMATION SYSTEMS, INC.) that could provide the Repair services on a Toshiba Ultimix 1.5 MRI requested by the St. Louis VA Medical Center.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The estimated amount of this acquisition is \$65,000.00. In accordance with FAR Subpart 15.404-1(b) the following price analysis techniques and procedures will be utilized to ensure a fair and reasonable price.

- a. Comparison of previously proposed prices and previous Government and commercial contract prices for the same or similar items. The average cost for previous Government purchases for the same or similar items was \$101,000.00.
- b. The VA will receive a 50% discount on all parts contracts with Toshiba for the equipment requested for repair.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

- A search of the National Acquisition Center (NAC) Contract Catalog produced no results. No mandatory use contracts IAW FAR 8.002 and VAAR 808.002 "Priorities for use of Government supply sources" were found that could perform/supply the requested task.
- A search on www.gsa.gov for vendor's that could perform/supply the requested repair service on Federal Supply Schedules (FSS). There were no vendors on GSA/FSS that could provide the task being requested.
- A search of the VetBiz.gov Registry website Using NAICS code 334517 with the keyword "MRI" yielded 3 vendors; however none could perform the task requested. A search of the SBA Dynamic Small Business Search tool: Using NAICS code 334517 with the keywords "MRI" yielded 3 vendors; however none could perform the task requested.
- FPDS search results identified one vendor (TOSHIBA AMERICA INFORMATION SYSTEMS, INC.) that could provide the service requested by the customer.
- A Google search located only one company (TOSHIBA AMERICA INFORMATION SYSTEMS, INC.) that could provide the Repair services on a Toshiba 1.5 MRI Unit requested by the St. Louis VA Medical Center.

Due to the proprietary nature of this procurement no other vendor can meet the requirements.

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:

See Section VI above.

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:

This is a unique service, and only Toshiba Medical Systems can fulfill the requirement requested.

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.

Name Derek Carr Date 3-26-2013
Derek Carr
BESS Technician
St. Louis VA Medical Center

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.

Name Frank Novello Date 3-26-2013
Frank Novello
CONTRACT SPECIALIST
NETWORK 15 CONTRACTING OFFICE

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

Name Christine L. Scena Date 3-26-2013
CHRISTINE L. SCENA
NETWORK CONTRACT MANAGER
NETWORK 15 CONTRACTING OFFICE