

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, SAO West VISN 18 Network Contracting Office, 707 East 3rd Street, Big Spring, Texas, on behalf of the West Texas VA Health Care System (WTVAHCS), Big Spring, Texas; Purchase request 519-13-1-064-0015
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the procurement of Single Plate Image Reader maintenance and repair services for a base year and four option years. The Government intends to enter into a new procurement as a firm-fixed priced contract. The Period of performance for the base year will be April 1, 2013 through March 31, 2014 with four option years to be exercised at the Government's discretion.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The WTVAHCS is seeking to enter into a sole-source, firm-fixed price contract with FujiFilm Medical Systems USA, Inc., 419 West Avenue, Stamford, CT. This acquisition will be for the maintenance and repair on two Single Plate Image Readers which are utilized for direct patient care at the WTVAHCS facility.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (X) (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):** Pursuant to FAR 6.302-1, contracting officers may use other than full and open competition when only one responsible source and no other supplies or services will satisfy agency requirements. The FujiFilm Single Plate Image Readers are used daily to facilitate direct patient care at the WTVAHCS. The Single Plate Image Readers are highly proprietary in relation to parts, software, mechanical function and service. Only FujiFilm certified technicians have the access and expertise to provide maintenance on the equipment. Market Research identified no other vendors capable of providing these services. In addition, a source sought notice was issued via to FedBizOpps.gov and received zero (0) responses. Accordingly, it is reasonable for the Government to conclude that FujiFilm Medical Systems USA, Inc. is the only firm capable of providing the supplies and services described in section 3 above without the Veterans Health Administration experiencing unacceptable delays in fulfilling its requirement. Furthermore, solicitation of this requirement presents no added savings to the Government and represents additional administrative costs.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: An Sources Sought was posted to FedBizOpps.gov under solicitation number VA258-13-I-0379 on March 20, 2013. The Sources Sought notice listed the description of the equipment, serial numbers and requested any interested parties that could perform a full service agreement respond to the Sources Sought. The Sources Sought produced zero (0) responses from industry.
7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The prices provided to the government are the same prices offered to the commercial customers. However, the vendor offers a [REDACTED] discount to government. The price quoted for a base and four options was [REDACTED] which consists of a base year at [REDACTED] option years one and two at [REDACTED] a year and option years three and four at [REDACTED] a year. Additionally, the prices quoted are less than when the original service agreement was procured in 2010. Therefore it is the determination of the contracting officer that the prices are considered to be fair and reasonable.
8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: As described in Section 6 above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties. However, the Sources Sought notice produced zero (0) responses from industry.
9. Any Other Facts Supporting the Use of Other than Full and Open Competition: Market Research indicates the Fujifilm Medical Systems USA, Inc. contains all proprietary rights upon their controls and data concerning preventive maintenance, parts, services, and software under their Emerald Preferred Service Agreement for the equipment and provides these services through regional distributors only. Acquiring new equipment from other sources will require complete demolition and remodeling of the space housing the imaging equipment and considerable cost to the Government.
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: The Government has not remedies, at this time, to overcome barriers to competition due to highly proprietary systems. In future, Government intends to utilize competition in the procurement of replacement equipment.
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.

[REDACTED]
Matt Evans
Chief of Engineering
WTVAHCS

3-28-13
Date

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.

[Redacted Signature]

Michael J. Tusinger
Contracting Officer
VISN 18 NCO

3-29-13
Date

- b. NCM/PCM (Required \$3K and above): I certify the justification meets requirements for other than full and open competition.

[Redacted Signature]

for Sabrina J. Smith
Network Contract Manager
VISN 18 NCO

3/29/13
Date