

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

1. **Contracting Activity:** Veteran Health Administration (VHA), Service Area Office (SAO) – East, 323 North Shore, Suite 500, Pittsburgh, PA 15212 for the DVA, VISN 2, Syracuse VA Medical Center.
2. **Nature and/or Description of the Action Being Processed:** The requesting facility is Department of Veterans Affairs, VISN 2, Syracuse VA Medical Center has a requirement for a Getinge Group Autoclave, Model 633LS vacuum/gravity, microcomputer-controlled steam sterilizer as a replacement for Model 3522 sterilizer purchased in January 1995. The proposed action is a sole source solicitation of a Getinge Group Autoclave, Model 633LS vacuum/gravity, microcomputer-controlled steam sterilizer used to sterilize contaminated materials for biosafety level 2 and 3 labs. The anticipated value of this requirement is \$74,684.64. This requirement is being requested under the Shared Equipment Evaluation Program (ShEEP) (VHA Handbook 1202.6). The Syracuse VA Medical Center already has a maintenance service contract with the Getinge Group for the autoclave that is being replaced, as well as other related Getinge equipment; the new 633LS model will replace the existing autoclave on the maintenance agreement.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Research equipment requested is a Getinge Group Autoclave, Model 633LS vacuum/gravity, microcomputer-controlled steam sterilizer as a replacement for a total of \$74,684.64 which includes installation. The Getinge 633LS model is a vacuum/gravity, microcomputer-controlled steam sterilizer with 19 selectable pre-programmed cycles and vertical sliding door. The cycles include gravity, vacuum, liquid cycles and a vacuum leak test cycle. Additionally the 633LS has a 26.5x26.5x39" Chamber – single power door, provides enhanced control system with three operating displays, program settings that are security protected and a special printer that documents cycle information automatically.
4. **Statutory Authority Permitting Other than Full and Open Competition:**  
In accordance with FAR 6.302-5; the proposed acquisition strategy is consistent with legal precedence for sole sourcing research related property or services: 41 USC § 3304(b)(2).  
41 USC § 3304(b)(2) provides: "a follow-on contract for the continued development or production of a major system or highly specialized equipment, the property may be deemed to be available only from the original source and may be procured through procedures other than competitive procedures when it is likely that award to a source other than the original source would result in—  
(A) substantial duplication of cost to the Federal Government that is not expected to be recovered through competition;"
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

Currently, the Syracuse VA Medical Center maintains a preventative maintenance and service contract with Getinge Group as a preferred supplier of equipment and services for cleaning, disinfecting and sterilization of materials. These services are currently procured under VA contract/PO# VA528-13-P-0222. The new Getinge Group Autoclave, Model 633LS vacuum/gravity, microcomputer-controlled steam sterilizer, is necessary to support Syracuse VA Medical Center's Research and Development program's continued focus on the protection of personnel and the environment from exposure to infectious agents, but also the prevention of contamination of experimental materials such as stock cultures of viruses, bacteria and cells by a variable, persistent, and unwanted background of microorganisms. Because of the high level of specialized research involved, including Biosafety Level-2 and Biosafety Level-3 agents, a fully functional

autoclave will ensure effective sterilization of Research & Development (R&D) Services BSL-2 and BSL-3 materials, instruments and waste, in order to guarantee the safety of veteran patients, visitors and staff of this facility. Utilizing any other source for this equipment, would necessitate an additional service contract and allow duplication of cost to the Federal Government that may not be recovered.

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

6.302-1(a)(2)(ii) Full and open competition need not be provided for when a statute expressly states "Only one responsible source and no other supplies or services will satisfy agency requirements," In accordance with 41 USC § 3304 (b)(2)(A) "substantial duplication of cost to the Federal Government that is not expected to be recovered through competition."

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

The Contracting Officer will ensure the contract price is fair and reasonable based on a comparison of price with the same or similar equipment, as well as the fact that this Autoclave will be purchased through an existing FSS schedule which has already been determined fair and reasonable. A search was conducted under GSA 65 II, (A-89) Medical Equipment and Supplies for similar equipment. [REDACTED]

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

Basic market research was conducted through GSA for similar items: [REDACTED] however, the Getinge 633LS is the only Autoclave Sterilizer that meets the needs as a replacement to the existing autoclave from the same manufacturer.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:**

The maintenance agreement currently in place at the Syracuse VA from Getinge will continue to cover the replacement equipment as it is the same manufacturer. Likewise contingency plans in place for these research wet-labs will not require major modifications due to the continued use of the manufacturer.

41 USC § 3304 (b)(2)(A) is also being cited as changing manufacturer would create "substantial duplication of cost to the Federal Government that is not expected to be recovered through competition."

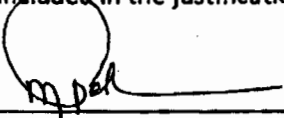
**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

The only source that expressed an interest in writing was the Getinge Group for the Getinge Group Autoclave, Model 633LS.

**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:**

As there is no other source available that can provide the equipment listed in section 3 that will be included on the current preventative maintenance contract, there are no actions that can be taken to remove or overcome any barriers to competition. If future developments occur that can increase the likelihood of competition we will take those into consideration for future acquisitions.

**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.

  
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MARK E. POLHEMUS, M.D., FACP  
ACOS/Research, Syracuse VAMC

13 MAY 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.

  
\_\_\_\_\_  
CONTRACTING OFFICER'S SIGNATURE

5-23-2013  
\_\_\_\_\_  
DATE

Paula Stankovic, Contract Officer  
\_\_\_\_\_  
NAME AND TITLE

SAO EAST  
\_\_\_\_\_  
FACILITY

**b. NCM/PCM/DESIGNEE:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
\_\_\_\_\_  
SIGNATURE  
TREVOR C. MARTIN  
Network Contract Manager, SAO East

5/28/2013  
\_\_\_\_\_  
DATE