



DEPARTMENT OF THE NAVY
OFFICER IN CHARGE OF CONSTRUCTION
MARINE CORPS INSTALLATIONS WEST
BOX 555200 BLDG. 1160
CAMP PENDLETON, CALIFORNIA 92055-5200

N62473-10-C-0001
J&A 13-12

**JUSTIFICATION AND APPROVAL
FOR USE OF OTHER THAN FULL AND OPEN COMPETITION**

1. Contracting Activity: Department of the Navy, Officer in Charge of Construction, Marine Corps Installations West (OICC MCIWEST), Resident Officer in Charge of Construction (ROICC), Camp Pendleton, California.
2. Description of the Action Being Approved: Upon the basis of the following justification, a contract modification is planned under N62473-10-C-0001 with Clark/McCarthy A Joint Venture, 575 Anton Blvd, Suite 100, Costa Mesa, CA and will be negotiated without full and open competition pursuant to authority of 10 U.S.C. 2304 (c)(1) as implemented by the Federal Acquisition Regulation (FAR) 6.302-1. This procurement will result in a firm-fixed-price modification for the purchase and installation of a Magnetic Resonance Imaging (MRI) System by the "brand named" "General Electric (GE) Optima MR430S" (JSN X9905M). This justification requests approval to procure, as part of the Logistics Category C (CAT C) planned modification, the GE Optima MR430S. As with other radiology equipment, the Naval Diagnostic Imaging and Radiotherapy Board (NAVDIRB) has determined that the GE Optima MR430S is the appropriate Extremity MRI for the new Naval Hospital at Camp Pendleton. This proposed action is estimated at approximately \$663,072.00, which includes the price of procuring and installing the GE MRI equipment quote of \$634,033.00 and the Handling and Administrative Rate (HAR) of 4.58 percent, or \$29,039.00.
3. Description of Supplies/Services: Contract N62473-10-C-0001 is a firm-fixed price (FFP) Military Construction (MILCON) American Recovery and Reinvestment Act (ARRA) contract, currently in the amount of \$425,863,211.00, with a contract completion date of 7 January 2014. The contract is for the design and construction of the Replacement Naval Hospital (Project 71653) at Marine Corps Base (MCB), Camp Pendleton, California. The contract includes a planned modification for the procurement of furniture, fixtures, and equipment, including medical equipment; valued at a total cost of \$55 million. Per the terms of the contract, the design-build contractor is required to solicit sources for medical equipment from Federal Supply Schedule (FSS) holders. The Extremity MRI is a piece of medical equipment that will be procured as part of the planned modification for Category C equipment and will be funded using Fiscal Year 2012 Other Procurement funds.
4. Statutory Authority Permitting Other Than Full And Open Competition: The statutory authority permitting other than full and open competition is 10 U.S.C. §2304(c)(1), as implemented by FAR 6.302-1(a)(2), Only one responsible source and no other supplies or services will satisfy agency requirements.
5. Rationale Justifying Use of Cited Statutory Authority. The NAVDIRB was established by the Chief of the Navy Bureau of Medicine and Surgery (BUMED) to evaluate new and emerging medical imaging and radiotherapy technologies and recommend short and long

range planning and acquisition strategies for radiographic, nuclear medicine, ultrasound diagnostic imaging, radiotherapy, and related support equipment. The NAVDIRB provides BUMED with a technically and clinically educated board composed of clinical and administrative personnel participating in the decision process to identify and introduce new imaging technologies, to evaluate cost-effective alternatives to these technologies, and to determine equipment replacement cycles. Responsibilities of the NAVDIRB include: 1) direct planning for acquisition of all diagnostic imaging and radiotherapy equipment using ionizing or non-ionizing radiation, electromagnetic waves, or ultrasonic waves to produce a diagnostic image, or which is used as a part of a therapeutic treatment for all medical treatment facilities; 2) review all new equipment requirements to ensure conformance to the diagnostic Imaging and Radiotherapy Strategic Plan; and 3) provide specialty leader technical approval authority on all equipment requests referred for action. This technical approval will be based on analysis of the requesting command's mission, staffing, workload, location, equipment density, cost effectiveness, and conformance with Navy Medicine's strategic objectives.

The Extremity MRI was initially intended to be furnished for the existing Naval Hospital at Camp Pendleton, with the intention of relocating the equipment prior to the Beneficial Occupancy Date (BOD). Navy Medicine West later determined that it would be more cost effective to have the Extremity MRI installed in the new facility. The NAVDIRB approved the use of the GE Optima MR430S on 13 February 2013. The NAVDIRB's evaluation included ensuring the equipment met the functional requirements of the facility; consideration of the benefits and value equipment that offered additional features or functional capabilities; and the overall strategic goal of standardizing equipment throughout naval medical treatment facilities.

Based on the above justification, it is in the Government's best interest to award the contract modification to Clark/McCarthy A Joint Venture for one (1) "brand name" GE Optima MR430S.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable: At this time, there is only one source for Extremity MRI identified above. If and when the NAVDIRB identifies additional manufacturers that can provide the aforementioned CAT C equipment that have the same performance criteria and meets or exceeds Navy Medicine's requirements, additional sources will be considered.

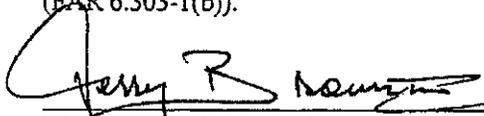
The planned action covered by this J&A meets an exception to the synopsis requirements per FAR Part 5.202 (a)(11). However, because this is a modification to an existing contract that is funded by the American Recovery and Reinvestment Act, a pre-award notice will be issued in accordance with Naval Facilities Engineering Command's internal guidance. A post-award notice will also be issued in accordance with Naval Facilities Engineering Command's internal guidance and FAR 5.705. The approved Justification and Approval will be released in accordance with FAR 6.305(c).

7. Determination of Fair and Reasonable Cost: Per FAR 8.404(c), GSA has already determined the price of supplies order under schedule contracts to be fair and reasonable, and ordering activities are not required to make a separate determination of fair and reasonable pricing.
8. Actions to Remove Barriers to Future Competition: In accordance with their charter, the NAVDIRB meets quarterly. Advances in technology or changes in medical treatment requirements provide the opportunity for the board to consider additional manufacturers of radiological equipment.

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CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION - I certify that the facts and representations under my cognizance which are included in this justification and its supporting Acquisition Plan (if applicable) and which a basis for this justification are complete and accurate. (EAR 6.303-1(b)).

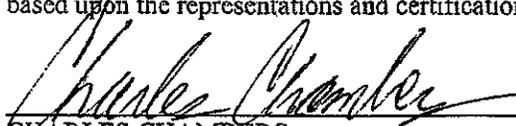


21 Mar 13

LCDR JERRY BROWN
Senior Health Facilities Planning Project Officer
Navy Medicine West Det Camp Pendleton
Telephone (760) 763-0947

Date

LEGAL SUFFICIENCY REVIEW - I have determined this Justification is legally sufficient based upon the representations and certifications of the Justification and NAVDIRB.



March 7, 2013

CHARLES CHAMBERS
Associate Counsel
Telephone (619) 532-2507

Date

CONTRACTING OFFICER CERTIFICATION - I certify that this Justification is accurate and complete to the best of my knowledge and belief.

HEPLER.WILLIAM.JOHN.1032800404

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Date: 2013.03.04 10:22:11 -08'00'

WILLIAM J. HEPLER
Contracting Officer
NAVFAC Southwest
Telephone (760)763-9833

Date

CONTRACTING OFFICER CERTIFICATION - I certify that this Justification is accurate and complete to the best of my knowledge and belief.

CHRISTIANSON.ESTHER.E.1
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Date: 2013.03.07 17:00:15 -08'00'

ESTHER E. CHRISTIANSON
Director, Acquisition
OICC, MCIWEST, NAVFAC Southwest
Telephone (760)763-7343

Date

COMMANDING OFFICER CERTIFICATION - I certify that this Justification is accurate and complete to the best of my knowledge and belief.

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M. MEDVED

Captain, CEC, US Navy
Commanding Officer, OICC, MCIWEST, NAVFAC Southwest
Telephone (760)763-7341

Date

ECHELON IV CHIEF OF THE CONTRACTING OFFICER CERTIFICATION:

I certify that this Justification is accurate and complete to the best of my knowledge and belief.

Rena A. Kvendru

3/11/13

RENAE A. KVENDRU

Chief of Contracting
NAVFAC Southwest
Telephone (619) 532-2339

Date

APPROVING OFFICIAL (NFAS 6.304)

Upon the basis of the above justification, I hereby approve, the solicitation of the proposed procurement(s) described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304 (c)(1) (FAR Part 6.302-1)

C. M. Maurer

12 MAR 2013

C. M. MAURER

Captain, CEC, US Navy
Commanding Officer, NAVFAC Southwest
Telephone (619) 532-2317

Date