**DEPARTMENT OF VETERAN AFFAIRS**
Office of Acquisition and Logistics National Acquisition Center
P.O. Box 76 Hines, IL 60141

**JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY**

(Implements the provisions and authorities of VA Class Deviation, Modeled Revolutionary FAR Overhaul (RFO) Subpart 16.507-6 "Exceptions to Fair Opportunity")

**(1) Identification of the agency and the contracting activity.**

This Justification for an Exception to Fair Opportunity is on behalf of the George E Wahlen VA Medical Center, located in Salt Lake City, UT, executed by the Veterans Affairs National Acquisition Center located in Hines, Illinois.

**(2) Nature and/or description of the action being approved.**

The activity proposes the issuance of a sole-source delivery order against VA High Tech Medical Equipment (HTME) ID/IQ Contract No. **SPE2D1-17-D-0023** awarded to Siemens Medical Solutions. The proposed delivery order is to acquire a Vida Fit upgrade.

**(3) A description of the supplies or services required to meet the agency's needs, including the estimated value.**

The George E Wahlen Veteran Medical Center requests to upgrade our Siemens Magnetom Skyra 3T MRI to Siemens Vida Fit. The current equipment is at its end of life and its chiller is not supported anymore. This upgrade includes replacement of all software and hardware except for the MRI magnet. This significantly decreases the total cost of a new MRI purchase while extending the life and function of our current MRI. This upgrade is around $1M versus the $3M it would cost to replace the MRI entirely (including the magnet). This upgrade will also keep downtime of the MRI to a minimum. It should take a couple of weeks to finish this upgrade whereas an upgrade with magnet replacement may take months.

Funding Available under Purchase Order No. 660B50010
Estimated Cost: $1,074,293.00

**(4) An identification of the "exception to fair opportunity" listed under RFO Subpart 16.507-6 (b) and the supporting rationale, including a demonstration that the proposed contractor's unique qualification or the nature of the acquisition requires use of the exception cited. If the contracting officer uses the logical follow-on exception, the rationale shall describe why the relationship between the initial order and the follow-on is logical (e.g. in terms of scope, period of performance, or value.**

Siemens is the original equipment manufacturer (OEM) and is the only vendor capable of providing the supplies and services required at the level of quality required. This is because the upgrade will need highly specialized hardware and installation services so that the new parts and software can operate within the requirements of the OEM components being retained.

**(5) A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.**

The contracting officer for the resultant order has determined the prices offered to be fair and reasonable for this justification for an exception to fair opportunity. All items are priced at or below the contract price, which was previously determined fair and reasonable at time of contract award, and there have been no significant changes to the industry or market conditions that would result in changes to the reasonableness of the underlying contract prices.

(6) **Any other facts supporting the justification.** Other than the above supporting facts, no others to add.

(7) **A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made.**

All prospective delivery orders are completed by all contract holders. Once an order is placed for proprietary equipment, it is generally not possible to compete follow-on acquisitions for upgrades because the system to be upgraded is proprietary in nature. Future requirements will be handled on a case-by-case basis and all attempts will be made to provide fair opportunity to all contract holders when appropriate.

**(8) The contracting officer's certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.**

By signing this justification, the Contracting Officer hereby certifies that the justification is accurate and complete to the best of their knowledge.

**(9) Evidence that any supporting data that is the responsibility of the technical or requirements personnel (e.g., verifying the Government's minimum needs or requirements or other rationale for an exception to fair opportunity) and which form a basis for the justification have been certified as complete and accurate by the technical or requirements personnel.**

By signing this justification, the Facility Biomedical Engineer hereby certifies that the justification is accurate and compete to the best of their knowledge.

**(10) A written determination by the approving official that one of the circumstances within the above cited FAR Part applies to the order.**

In consideration of the information contained herein, a determination has been made that this requirement meets the FAR exception, "Only One Capable Source."

**CERTIFICATION AND APPROVAL**

**(Pursuant to the approval authorities of VA Class Deviation, modeled RFO Subpart 16.507-6, "Exceptions to fair opportunity")**

**TECHNICAL/REQUIREMENTS CERTIFICATION:**

I certify that any supporting data that is my responsibility and which forms a basis for the justification is complete and accurate to the best of my knowledge and belief.

COURTNEY MCARTHUR Digitally signed by COURTNEY MCARTHUR Date: 2025.09.12 08:58:41 -06'00'

9/10/25

Courtney McArthur
Supervisory Biomedical Engineer
Salt Lake City – George E Wahlen, VAMC

Date

**CONTRACTING OFFICER CERTIFICATION:**

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

SHEILA HENDERSON Digitally signed by SHEILA HENDERSON Date: 2026.04.17 10:05:49 -05'00'

Date

Sheila Henderson

Contracting Officer
VA National Acquisition Center – Hines
High-Tech Medical Equipment Ordering Division

REGINA BLAIR Digitally signed by REGINA BLAIR Date: 2026.04.17 11:31:10 -05'00'

4/17/26

Date

Regina G. Blair

Chief HTME Ordering Division
VA National Acquisition Center – Hines
High-Tech Medical Equipment Ordering Division

**COMPETITION ADVOCATE APPROVAL:**

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

JOY SMITH Digitally signed by JOY SMITH
Date: 2026.05.20 16:20:18
-04'00'

_____ Date _____

Joy M. Smith
Head Contracting Activity
Strategic Acquisition Center and National Acquisition Center