



FEDERAL BUREAU OF INVESTIGATION

FINANCE and FACILITIES DIVISION | PROCUREMENT SECTION

JUSTIFICATION AND APPROVAL (J&A) FOR OTHER THAN FULL AND OPEN COMPETITION



JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION IN ACCORDANCE WITH 41 U.S.C. 3304 (A) (X)

Requisition Number: DJF-23-2200-PR-0001593

Date: 2/1/2023

1. Identification of the agency and contracting activity.

The U.S. Department of Justice, Federal Bureau of Investigation (FBI), Insert Contracting Unit, has prepared this justification for other than full and open competition for Tempest Cardiac Monitors on behalf of the National Operational Medical Unit (NOMU), CIRG.

2. The nature and/or description of the action being approved, i.e., sole source, limited competition, establishment of a new source, etc.

It is the intent of NOMU to purchase cardiac monitors this FY23 via a sole source.

3. A description of the supplies or services required to meet the agency's needs.

This requirement is for the purchase of five Tempus Pros Cardiac Monitors. Cardiac monitors are medical devices which are utilized to provide cardiac monitoring and defibrillation therapy for patients. NOMU supports various programs in CIRG and the paramedics will have a standardized cardiac monitor platform that will replace the LifePak 15 devices that are at end of life and no longer supported. NOMU has purchased Tempest monitors in the past and thus needs to broaden its abilities by increasing the number of monitors and defibrillators. This technology allows for early cardiac rhythm detection and treatment that will save lives of FBI and civilians, alike.

These elements are of critical importance in those patients suffering from COVID and COVID related illnesses which have cardiac and respiratory components to their illnesses.

The exact monitors are needed for the training and continuity of the program. During a time of critical medical emergency, such as cardiac or respiratory arrest, any delays such as having different brands monitors could lead to adverse patient outcomes, through confusion of the medical professionals operating the monitor.

Rescue 1 is the local distributor of these items. They have provided the monitors before and have found to be reputable, rapid and responsive to the FBI's requests. Additionally, Rescue 1 is the preferred reseller as per the parent company of the Tempest Monitors, Phillips.

4. The statutory authority permitting other than full and open competition.

The statutory authority permitting other than full and open competition is 41 U.S.C. 3304 (a)(1) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

5. Demonstrate the unique qualifications of the proposed contractor or the nature of the action requiring the use of the authority.

These monitor/ defibrillators have been purchase by the FBI in recent years through Rescue 1 as directed by the parent company of Philips. Philips stated that Rescue 1 is the authorized local dealer for Quantico, Virginia where the products will be used.

6. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies.

Multiple offers were solicited from the following companies:

Cardio Partners, Inc. (aka AED Superstore) 1001 Flagpole Court, Brentwood, TN.

- "We no longer carry these items, so I'd suggest reaching out to Phillips directly."

Mckesson Medical, 9954 Mayland Drive, Suite 400, Richmond VA.

- "Unfortunately, I have received confirmation that this particular unit, we are unable to provide per our distributor agreement"

7. The anticipated dollar value of the proposed acquisition, including options if applicable, and a determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

Provide a narrative of the measures performed by the Contracting Officer to ensure that the costs and/or prices will be fair and reasonable before negotiations commence. In addition, provide the methodology used in the market research analysis that supports a determination of fair and reasonable costs/prices. Provide any information, such as commercial pricelists or prior acquisition history that will help the Contracting Officer determine that the anticipated cost is fair and reasonable.

8. A description of the market research conducted and the results.

In the last 2 years the FBI has purchased many of these monitors for different units and sections. The monitors have been field tested and evaluated here at Tactical Section and their performance and durability are second to none.

Prior to the initial purchase of these devices (years ago) meetings were held with the representative for the company. The reps held educational seminars before the purchase and have held additional trainings to allow for new members of the FBI medical team to obtain familiarity and education.

9. Any other facts supporting the use of other than full and open competition.

The products needed are of specific nature and items. Below are the exact parameters of the quoted items from Rescue 1. It is noted that no other items will fulfill the needs of the FBI mission as these monitors are already in service with the FBI. There is a steep learning curve with new monitors and speed and familiarity with the system is a must for cardiac and respiratory arrest patients. Additionally, the small size and durability of the systems allow for easy backpack utilization and wear in austere environments where NOMU is expected to work.

Five Philips Tempus LS Manual

- Defibrillator Tempus LS-Manual Defibrillator
- Large 5.7" color display, Manual Mode
- Synchronized Cardioversion and Pacer.

Five B73 Tempus Pro

Five US Package 7

- Tempest Pro Printer
- 3-lead ECG Cable (8ft)
- 4-lead ECG Cable (8ft)
- 6-Lead ECG Cable (8ft.)
- Reusable NIBP Cuff (adult)
- NIBP Hose (8ft)
- MasimoSET M-LNCS DBI Adult SpO2 Reusable Sensor
- Contact Temperature Adaptor Cable
- Tempus Pro Pouch Rail System (right)
- Tempus Pro Pouch Rail System (left)
- Printer Paper with Grid 110mm (1 roll).

Five Tempus Pro 12-Lead ECG License Tempus Pro ECG License

Five C02 Tempus ST & QT Real Time License

Five Tempus Glasgow ECG Algorithm1

Five Tempus LS Lithium- Ion Battery

Five Tempus Pro Lithium Ion Battery

Five USB C-MAC S Imager Video Laryngoscope