

## DEPARTMENT OF VETERANS AFFAIRS

## Justification and Approval

## For

## Other Than Full and Open Competition

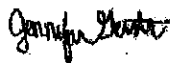
1. **Contracting Activity:** Department of Veterans Affairs, Network 23 Contracting Office, 2101 Elm Street, Fargo ND, 58102 and Veterans Integrated Service Network (VISN) 23 Biomedical Engineering Office, 2805 Dodd Road, Suite 250, Eagan, MN 55121 are requesting a justification for other than full and open competition for the purchase of perpetual software licenses to expand the VISN 23 TeleICU programs capabilities. The purchase request for this project is 618-13-3-020-0340.
2. **Nature and/or Description of the Action Being Processed:** The action being reviewed and approved is a sole source procurement of perpetual software licenses from Philips Medical. This will be awarded as a new firm-fixed-price contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Acquisition of new Tele-ICU software licenses, interface licenses and implementation services to expand the Tele-ICU to St. Cloud, Marion, Leavenworth, Topeka, St. Louis, and Wichita. The expansion shall provide integration to the existing Tele-ICU Philips eCareManager system. VISN 23 is also seeking a medication order inbound interface for Des Moines, Fargo, Iowa City, Minneapolis, Omaha, Sioux Falls, Fort Meade, and Spokane and eSearch functionality for clinical reporting. The estimated value is \$3,639,972.00 with a period of performance of 09/01/2013 through 08/31/2018

The following is breakdown of the requested quantities being requested:

VISICU Software Bed License – 78  
 VISICU Software Interface License – 18  
 Implementation Services – 6  
 VISICU Maintenance (Year 2) – 7  
 First DataBank (Year 2) – 7  
 APACHE IV (Year 2) – 71  
 VISICU Maintenance (Year 3) – 7  
 First DataBank (Year 3) – 7  
 APACHE IV (Year 3) – 71  
 VISICU Maintenance (Year 4) – 6  
 First DataBank (Year 4) – 6  
 APACHE IV (Year 4) – 71  
 VISICU Maintenance (Year 5) – 6  
 First DataBank (Year 5) – 6  
 APACHE IV (Year 5) – 71

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;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Philips Healthcare already provides a proprietary system linking existing e-CareMobile carts and ICU rooms to the eCareManager software. No other known vendors can interface to the existing Tele-ICU software and provide the licenses necessary for Tele-ICU mobile carts and ICU rooms. No other vendor will be able to interface medication inbound orders into the existing Philips software and provide clinical reporting functionality that interfaces with eCareManager. Research results serve to confirm that Philips Healthcare products are the best to be chosen for this award. The cost of adding licenses for expansion and interfaces are far less than replacing all Tele-ICU software and infrastructure. Each of these interfaces and licenses will require implementation services from Philips.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The original requirement was conducted and competitively awarded on contract VA263-P-1011 to Philips Medical Services. The original Request for Proposals (RFP) received proposals from four (4) vendors.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price has been deemed fair and reasonable by comparing the prices that were competed and determined fair and reasonable for the original award. The pricing per license procured on original award is the same as the same as the price per license on this award.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was not conducted as this product was previously competed and competitively awarded and with the proprietary nature of this software, no other company would be able to satisfy our needs.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** This is a follow on procurement to a formally awarded contract. Soliciting and awarding a new contract would be counterproductive as it would not ensure that the new system would seamlessly integrate into the current system.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** see Section VI above
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:** None
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.



Jennifer Gersten  
Biomedical Engineer

7/15/13

Date

VISN 23 Biomedical Office

**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.

christopher.volk@va.gov  
Digitally signed by  
christopher.volk@va.gov  
DN: cn=christopher.volk@va.gov  
Date: 2013.07.15 11:33:32 -05'00'  
\_\_\_\_\_  
Christopher Volk  
Contracting Officer  
Network 23 Contracting Office

07/15/2013

\_\_\_\_\_  
Date

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

Daryl A. Berg  
\_\_\_\_\_  
DARYL A. BERG  
Network Contract Manager, NCO 23

7/15/2013  
\_\_\_\_\_  
Date

- c. **SAO (If over 500K):** I certify the justification meets requirements for other than full and open competition.

Rick L. Lemmon  
\_\_\_\_\_  
RICK L. LEMMON  
Director, Service Area Office Central

7/17/12  
\_\_\_\_\_  
Date

- d. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Norbert Doyle  
\_\_\_\_\_  
NORBERT DOYLE  
Chief Procurement and Logistics Officer  
VHA Head of Contracting Activity (HCA)

7/29/13  
\_\_\_\_\_  
Date