

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 16, Michael E DeBakey Medical Center, 2002 Holcombe Blvd, Houston, TX 77030 Vista Equipment Transaction number# 580-13-3-167-0463. **Contact Person: Temenit Asgedom, 713-791-1414 ext. 4387**

2. **Nature and/or Description of the Action Being Processed:**
Justification and approval for Other Than Full and Open Competition, for the Upgrade of an existing Cyberknife Michael E DeBakey VA Medical Center, 2002 Holcombe Blvd, Houston, Texas 77030. Purchase Requests #580-13-3-167-0463. Award of a firm-fixed price contract is anticipated to: Accuray Incorporated, 1310 Chesapeake Terr., Sunnyvale, CA 94089.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The procurement is to provide and install one complete upgraded cyberknife accelerator with the following specifications:
 - o The system will have two more planning workstations for more access of physicians and planners.
 - o The planning system will contain the software AutoSegmentation which will reduce the planning time.
 - o The system can deliver 1000 MU/min, currently, it can deliver 800 MU/min. So the plan delivery is faster.
 - o The new system has a new operating system 9.6 which is more mature system in safety and efficiency.
 - o The new system has new planning software called Quick Plan which is able to generate fully automated treatment plan.
 - o The new system has a Lung Optimized Treatment package which can reduce normal tissue dose therefore reduce the risk of complications.
 - o Must be compatible with existing Cyberknife that is already at the Michael E DeBakey VA Medical Center, 2002 Holcombe Blvd, Houston, Texas 77030.

4. **Statutory Authority Permitting Other than Full and Open Competition:** FAR 13.501(a)(2) under the guidance of FAR Part 6.302-1(a)(2) " Only One Responsible Source and no other supplies or services will satisfy agency requirements.
 - (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - () (2) Unusual and Compelling Urgency per FAR 6.302-2;
 - () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - () (4) International Agreement per FAR 6.302-4
 - () (5) Authorized or Required by Statute FAR 6.302-5;
 - () (6) National Security per FAR 6.302-6;
 - () (7) Public Interest per FAR 6.302-7;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The Michael E DeBakey VA

Medical Center currently uses the Accuray Cyberknife. The Cyberknife is a frameless robotic radiosurgery system used for treating benign tumors, malignant tumors and other medical conditions. The Cyberknife system is a method of delivering radiotherapy, with the intention of targeting treatment more accurately than standard radiotherapy. The two main elements of the Cyberknife are (1) the radiation produced from a small linear particle accelerator and (2) a robotic arm which allows the energy to be directed at any part of the body from any direction. The cyber knife not only treats brain lesions but its design has expanded Stereotactic radiosurgery for lesions anywhere in the body, including structures that move with respiration. *To provide the current cyberknife to function correctly and be able to operate with full potential an upgrade is needed.* The current operating cyberknife upgrade will be supplied and distributed by Accuray Incorporated who as the only authorized distributor, will provide the upgrade to the Cyberknife system. The specialized system requires the specialized upgrade from only one source, "Accuray", if the government should go out and compete this requirement and a ward to an offeror that does not or can't offer the upgrade would put the government in huge risk of risk the operation of the Cyberknife. Also it would be a great deal of time and cost to procure a new cyberknife instead of just upgrading the existing equipment that has the capability of the upgrade.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This action will be synopsized and published on the government Point of Entry, FedBizOpps.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** There is prior commercial pricing data for the systems being procured as well as pricing for upgrades, which will allow a comparative analysis of pricing offered for the current system(s) to be procured. The upgrade package can be offered at an incredible cost savings if purchased together rather than splitting different upgrade requirements.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted through online research of the specifications of the system upgrade and determining if in fact an upgrade offered from another company could in fact be compatible. The result of the search and information gathered from numerous sites and research has been discovered that the current cyberknife system can only receive an upgrade from the contractor that manufactures and distributes the Cyberknife that is currently at the Michael E DeBakey Medical Center.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** There are no other facts supporting the use of Other Than Full and Open Competition.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** This J&A will be posted on FedBizOpps. If no responses to the synopsis indicate that additional sources are available, the file will be documented accordingly and the requirement competed among all eligible sources.
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.



Temenit Asgedom

Medical Administrative Specialist, Diagnostic & Therapeutic Care
Houston VAMC



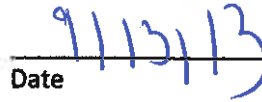
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13. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

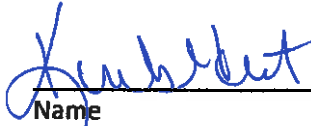


Kimberly Hurt
Regional Chief Contracting
DVA SAO Central Region

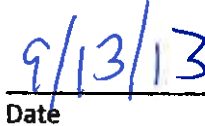


Date

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



Name
Network Contract Manager
VISN/PCA X



Date

Title
Facility

