

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

1. **Contracting Activity:** VA Pittsburgh Healthcare System.
  
2. **Nature and/or Description of the Action Being Processed:**  
Only One Responsible Source/Sole Source Award for a firm-fixed-price contract. 2237#646-14-1-209-0023
  
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**  
Base and Two Option Year Contract for Annual MIM Maestro Computer Software Upgrades and Support Services, for the VA Pittsburgh Healthcare System MIM Maestro PET Pathology imaging Software/System.

Base Year Amount - \$9,000

Base and Two Option Year Amount - \$27,000

4. **Statutory Authority Permitting Other than Full and Open Competition:**  
  
 (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):**

It is essential to the Government's needs to procure annual MIM Maestro Software Upgrades and Support Services, for its MIM Software Maestro Pathology Imaging Software System, from MIM Software, Inc. since MIM Software, Inc. is the sole exclusive provider of software upgrades and support services for the MIM Maestro Software products (See email from Bill Carruthers of MIM Software, dated 10/11/2013, that is under P02 of the Purchase Request Briefcase in the eCMS Contract File)

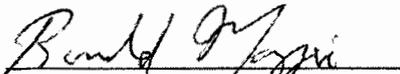
1. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A Notice of Intent to Sole Source will be posted to Fedbizopps for 3-5 days.
  
2. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price quoted of \$9,000 per year, is considered fair and reasonable, since it is what MIM Software indicated the cost of these annual services would be, in their original Quote for the purchase of the original MIM Maestro Software, and is less than what they charged the VA Central Texas Veterans HCS under VA Contract VA257-12-P-1023, and Modification P00001 to that Contract. (See copy of MIM Software original Quote for Software purchase; Copy of Quote for this three-year contract; and copy of VA Dallas Contract Modification, under S23 of the Solicitation Action Briefcase, of the eCMS Contract File)
  
3. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market Research was conducted to determine if the services were considered commercial items, and since MIM Software Inc., has provided these services to the private sector and Government before, they are considered commercial items. In addition, a Search was conducted on Google, using the words "MIM Software" and only MIM Software, Inc. comes up. A Search was also conducted on the GSA e-Library and GSA Advantage, using the same words, and no results were found.
  
4. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**  
None
  
5. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**  
None
  
6. **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:** NA
  
7. **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.

  
Name: Veronica Gamble  
Title: BUSINESS MANAGER  
Facility: VAVHS

10/14/13  
Date

8. 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.



Name: Ronald Mazzei  
Title: Contract Specialist  
Facility: HJ Heinz

10/15/13  
Date

- b. **VISN/PCA QA:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Name  
Title  
Facility

\_\_\_\_\_  
Date

- c. **NCM/PCM:** I certify the justification meets requirements for other than full and open competition.



Name: MICHAEL J. LAMB  
Title: Network Contract Manager  
Facility: VISN/PCA X

10/15/2013  
Date