

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. Contracting Activity: Department of Veterans Affairs, NCO 23, Fort Meade VAMC, 113 Comanche Rd., Fort Meade, SD, 57741. PR# 618-14-1-6065-0009.

2. Nature and/or Description of the Action Being Processed: This will be a fixed price contract. This is a new requirement for annual maintenance/service and technical support and licensing for Fresenius FMiS Dialysis Patient Charting system software.

3. Description of Supplies/Services Required to Meet the Agency's Needs: Service contract for software license and 24/7 technical phone support for the Fresenius FMiS Dialysis Charting System at the Fargo, Hot Springs, Sioux Falls, Omaha, and Minneapolis VA Medical Centers within VISN 23.

Estimated Cost: \$ 10,000/yr. per facility (\$50,000/yr. total). Base year plus 4 option years (\$250,000 total). Anticipated period of performance: 10/1/2013 –9/30/2018.

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;

☐ () (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):

Software licenses are available only from the company that developed the software, as the licenses are proprietary. No other company besides Fresenius would be able to supply the software license keys to the Fresenius FMiS system software. Also, proprietary software keys are necessary to provide the technical phone support, and no other company besides Fresenius would be able to supply those maintenance keys.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: Market research was conducted as part of the review process. No other vendor was identified in the funding process as meeting the specific requirements.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The Contracting Officer will make a fair and reasonable price determination by comparison of proposed prices with the Independent Government Estimate.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons

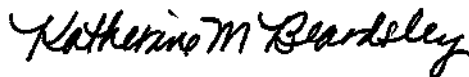
Market Research Was Not Conducted Internet searches were performed for "Fresenius FMiS software support", and the only results that returned were Fresenius websites or other government procurement requests on FBO.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: The FMiS Dialysis Charting System takes information from the Fresenius Dialysis machines and automatically enters it into CPRS through an interface approved by the VA.

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, there are no other vendors that can provide the service for the equipment. When replacement equipment is procured, that process will be done competitively.

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.



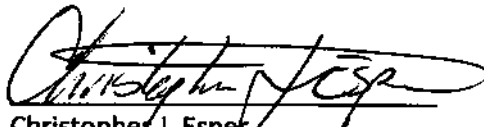
Katherine M. Beardsley
Supervisory Biomedical Engineer
Iowa City VA Healthcare System

9/4/2013

Date

1. 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.

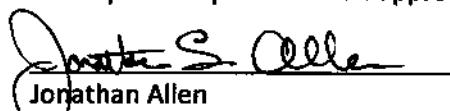


Christopher J. Esper
Contracting Officer
NCO 23 – BHHCS, Fort Meade VAMC

9/23/13

Date

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



Jonathan Allen
Facility Contract Manager
NCO 23 – BHHCS, Fort Meade VAM

9/24/2013

Date