

**LIMITED SOURCES JUSTIFICATION**

**ORDER >\$3,000**

**FAR PART 8.405-6**

**2237 Transaction # or Vista Equipment Transaction #:** 580-14-1-132-0001

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

**Restricted to the following source:** Provide original manufacturer's name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: Care Works

Manufacturer/Contractor POC & phone number: Care Systems, Aruna DeSilva (240) 404-0355

Mfgr/Contractor Address: 2400 Research Blvd., Suite 150 Rockville, MD 20850

Dealer/Rep address/phone number: \_\_\_\_\_

☒ The requested material or service represents the minimum requirements of the Government.

**(1) AGENCY AND CONTRACTING ACTIVITY:**

Department of Veterans Affairs

2002 Holcombe Blvd.

Houston, TX 77030

**VISN:**

16

**(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:**

Payment for an annual maintenance agreement for a purchased electronic scheduling package.

**(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:**

The vendor will provide updates to the system and education to staff on updates. They will also customize the system to meet our changing needs. They will provide on-site education 3-4 times a year.

**(b) ESTIMATED DOLLAR VALUE:** \$25,328.10

**(c) REQUIRED DELIVERY DATE:** Immediately

**(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.**

☒ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

The vendor developed the scheduling package that the facility purchased several years ago. They are the only source that can make any changes to the system to keep it updated and remain efficient for our use. Other vendors would not have access to the system and therefore, unable to provide maintenance to the system.

☐ A patent, copyright or proprietary data limits competition. The proprietary data is: \_\_\_\_\_  
(If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

☐ These are "direct replacements" parts/components for existing equipment.

☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

☐ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

**(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:**

It is the best order since no other vendor can provide needed services to the existing system. A new system would have to be purchased if we are unable to obtain services from this vendor. The existing system would be useless without their services. We have unlimited users' with the existing vendor. Most vendors charge for the number of users in the system. If a new system is purchased the cost would be more based on customized needs which would exceed the cost of the maintenance package required, plus a payment per person to use the system.

**(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:**

Several existing vendors were contacted regarding their services and the outcome was: they only provide maintenance to their packages. The cost of most new packages are a month to month cost based on use(number of users) by the facility.

**(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:**

We own the package but updates, educational support and assistance with trouble shooting problems are needed and the vendor provides those services. Other vendors can not service the system due to lack of access and lack of knowledge of the programing. The standard for the systems is that each vendor services their own product. They can not or do not cross between vendors.

**(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:**

In this situation we are unable to removal or overcome the sole source barriers as this software can only be maintained by the company who owns the software. If other software was purchased from a different vendor the sole source requirement would apply as other vendors don't have access to maintain their competitor's software.

**(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

Darlene Jordan 12/5/13  
SIGNATURE DATE  
Darlene Jordan RN Clinical Practice Office  
NAME TITLE SERVICE LINE/SECTION  
Michael E. DeBakey VAMC  
FACILITY

**(10) APPROVALS IN ACCORDANCE WITH FAR 8.405-6(d):**

**a. CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
CONTRACTING OFFICER'S SIGNATURE DATE  
Jared L. Cariker, Contracting Officer NCO 16 Services Division I  
FACILITY

**b. P&C:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Jeff Farley Date  
CHIEF, Network Contracting Office 16  
Services Team Division I

For

# MEMORANDUM FOR RECORD

15 Jan 2013

**SUBJECT:** Delegation of Authority: Other Than Full and Open Competition, Network Contracting Office (NCO) 16

**REFERENCE:** Standard Operating Procedure (SOP), Other than Full and Open Competition (OFOC) Procurements, Department of Veterans Affairs, VHA Procurement Manual, Volume VI, Chapter VI, dated 01 November 2012.

**1. Purpose:** The Network Contracting Office (NCO) 16 Chiefs of Procurement and Contracting are hereby Delegated the Authority to sign for their facilities the Justifications in the referenced SOP. In the absence of the Chief of Purchasing and Contracting, the Deputy Network Contract Managers (DNCM) may sign the Justifications.

**2. Policy:** Effective immediately, the following approvals for the Justifications are implemented in regards to the referenced listed above:

DOLLAR VALUE	J&A SIGNATURES REQUIREMENT
> \$3K BUT < \$150K	OFFICE CHIEF
> \$150 K BUT <\$500K	QA, NCM

3. All other signatures referenced within the SOP remain the same.

  
AARON VILLALPANDO  
NCO 16  
NETWORK CONTRACT MANAGER