

Attachment 2: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, Contracting Office, proposes to enter into a firm-fixed price task order on the basis of justification for other than full and open competition for the Healthcare System in San Francisco, CA. The purchase request number is 662-15-1-067-0007.
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the procurement of 12-month maintenance services on the SFVAMC's existing da Vinci Si Robotic Surgical system. The da Vinci Si System is the only robotic surgical system that meets the Department of Veterans Affairs (VA) requirements for a robotic surgical system that can perform multiple surgical procedures using the same robotic system and is approved for use in all of those procedures by the United States Food and Drug Administration (FDA).
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The SFVAMC owns a da Vinci Si FF Dual Console Surgical System which requires maintenance service for the hardware and software of the equipment for a period of one year. The proposed contracting action will provide all labor, parts, tools, equipment and travel required to provide preventative maintenance service.
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):**

The da Vinci Si FF Dual Console Surgical System contains proprietary hardware and software that can only be supported by Intuitive Surgical and meet the requirements as described in the Statement of Work (SOW) for the service. As the original equipment manufacturer (OEM), they demonstrate the unique capability to provide the services that are required by

the SOW. According to the FDA, only the OEM can modify/upgrade their equipment. For these reasons, no other commercially available alternatives have been identified to perform maintenance services to the surgical system, except Intuitive Surgical, Inc.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The government end users have been informed to seek information on new industry practices and trends in the commercial market. Because the da Vinci surgical system is the only VA and FDA approved robotic surgery machine, only its manufacturer, Intuitive Surgical, can service the machine. It is highly unlikely Intuitive Surgical will allow any other third parties to service their machines.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated price to the Government is \$ [REDACTED] a year [REDACTED]  
[REDACTED] A determination of fair and reasonable pricing will be made on the basis of comparisons to historical data to similar procurements within the VA medical centers and other federal customers.
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 to identify alternative service providers. It was determined that no alternatives currently exist as previously outlined in paragraph 5.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.
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:** End users are performing research to determine how long this sole source situation can be expected to persist and if there will be other means of fulfilling this requirement in the future.
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.
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.

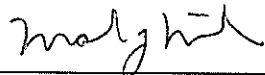
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*Nicole Johnson B*

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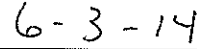
Name: Nicole Do  
Contract Officer  
NCO21

Date

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



Name: Mark Mikus  
Services Team I Manager  
NCO 21



Date