

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

**1. Contracting Activity:**

Department of Veteran Affairs  
Network Contracting Office (NCO) 10  
6150 Oak Tree Blvd. Suite 300  
Independence, Ohio 44131

Department of Veterans Affairs, VISN 10, Cleveland VAMC, Ophthalmology Department  
Justification for Other Than Full and Open Competition.

Transaction: 541-14-3-250-0306

**2. Nature and/or Description of the Action Being Processed:**

The Department of Veterans Affairs, Cleveland VAMC Ophthalmology Department has a request for a firm fixed price contract for Gold Software Package renewal for Eyesi Surgical Software.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:**

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

The Department of Veterans Affairs, Cleveland VAMC Ophthalmology Department has a request for a Gold Software Package renewal for Eyesi Surgical Software.

<b>Item Description</b>	<b>Quantity</b>
SW_UPD: Eyesi Software Update from Release 2.7 to 2.8 including newly released CAT IOL Training Module	1
MO-003-36: ES Gold Software Pack Plus 36M. All Eyesi Surgical software updates to existing modules and operating system for 36 months including: All new Eyesi Surgical simulation modules released for the purchased hardware during the 36 months term	1

**(b) ESTIMATED DOLLAR VALUE: \$29,670.00**

**(c) REQUIRED DELIVERY DATE: August 30, 2014**

**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;

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**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 Eyesi Surgical Software Release 2.8 from VRMagic is a proprietary purchase. VRMagic developed the Eyesi Surgical simulator and the software. We currently have the Eyesi Surgical simulator with Software release 2.7. VRMagic has recently released Software release 2.8 which provides many updates to provide a more realistic learning environment. There are not any other software programs that can be used with the Eyesi Surgical simulator. VRMagic is the only company that provides software updates for the Eyesi Surgical simulator. Accordingly, VRMagic, Inc. is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements,"

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

An Intent to Sole Source under RFQ VA250-14-Q-0512 was posted on FBO from 7/31/2014 through 8/8/2014 with no responses.

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

The price being offered to the Government is the same or less than is currently being offered to private and other government run hospitals. As a result, the Contracting Officer has determined the cost to be fair and reasonable.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

A search was conducted on NAC/GSA and VA Advantage and no vendor was found that could deliver the supplies.

A search on the internet was conducted to see if there were any similar products to no avail.

An Intent to Sole Source under RFQ VA250-14-Q-0512 was posted on FBO from 7/31/2014 through 8/8/2014 with no responses.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:**

N/A

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

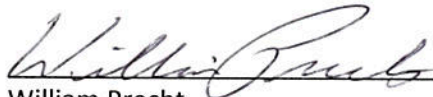
VRMagic, Inc.  
245 First Street  
Cambridge, MA 02142

**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:**

An extensive search was done to see if there were any other companies that can comply with the brand name or equal specifications to no avail.

On-going research of the industry market place will be conducted to determine if there are new entrants into this product arena.

**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.



William Precht  
COR  
VISN 10\Cleveland VAMC

8/26/14  
Date

**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.

\_\_\_\_\_  
Thomas P. Moore  
Contracting Officer  
NCO 10

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Terry Spitzmiller  
Director of Contracting  
VISN 10

\_\_\_\_\_  
Date