

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, VA Pittsburgh Healthcare System (VAPHS), NC04, HJ Heinz Facility. "Justification For Other Than Full and Open Competition". Purchase Request/2237# 646-14-3-033-0099.
2. **Nature and/or Description of the Action Being Processed:** Only One Responsible Source (Sole Source) Award to Sapience Technologies, 95 Club Court, Alpharetta, GA 30005. Point of Contract: Peter Perreiah at 770-910-5868. This is for the award of a new Firm Fixed Price Contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

Upgrade Sapience Critical Care Genie automated diabetes control tool Software, located at VAPHS University Drive C Facility, Room 2A213, Pittsburgh, PA.

Estimated Price: \$110,000
4. **Statutory Authority Permitting Other than Full and Open Competition:** *41 USC §253(c)(1), as implemented by FAR 6.302-1.*

 - (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):

It is essential to the VA Pittsburgh Healthcare System (VAPHS), to have Sapience Technologies, perform the above referenced services for the following reasons:

VAPHS has a perpetual restricted rights license to use Genie Software proprietary to Sapience, in accordance with FAR 52.227-19. The use of this existing Genie Software requires proprietary information only known to Sapience Technologies.

VAPHS needs Sapience Technologies to reprogram this Genie Software and deliver all new data first produced under this contract with unlimited rights as defined by FAR 52.227-14. Sapience Technologies is the only company that can reprogram the this Genie Software, since it is the only company that has the protected password to access the underlying code in the software, that is required to acquire the data structures and procedures that drive the software, which is required to be used to create the new program VAPHS requires.

Accordingly, Sapience Technologies is the only firm capable of providing the supplies and services described in Section 3 above, without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition, and 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: N/A – Sole Source. However, a Notice of Intent to Sole Source Synopsis, along with this Other than Full and Open Competition Justification Memorandum, will be posted to Fedbizopps for 3-5 days, before award is made to Sapience Technologies.

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

The \$110,000 price that Sapience Technologies has quoted, has been determined to be fair and reasonable, since the hourly rate is the same as which they previously charged the VA on Contract# VA244-12-C-0212/VA PO#646-C20661 in 2012.

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

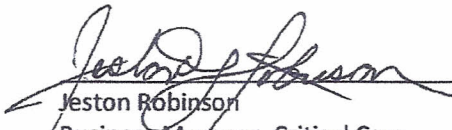
Sapience Technologies has indicated they perform these services to the general public, thus categorizing this acquisition as commercial items.

Queries were done by conducting a Google Search and GSA Advantage Search, using the words "Sapience Technologies", and only Sapience Technologies company site came up on Google, and no results were found on GSA Advantage. (See copies of these query screens under P02 of the Procurement Action Briefcase.)

Email statements were obtained from Sapience Technologies, Inc. that confirms that the use of the existing software that requires reprogramming would require proprietary information only known to Sapience Technologies.

The NAICS Code and Small Business Size Standard for this Procurement is 541511, and the Small Business Size Standard for this NAICS Code is \$25.5 Million. An email was obtained from Sapience Technologies that confirms the company makes less than the Small Business Size Standard per year, thus categorizing them as a Small Business for this acquisition.

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: None
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
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.


Jeston Robinson
Business Manager, Critical Care
VA Pittsburgh Healthcare System

9-11-14
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.

ronald.mazzei@va.gov

Digitally signed by ronald.mazzei@va.gov
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Date: 2014.09.11 08:26:19 -04'00'

Ronald Mazzei
Contracting Officer, NCO4

Date

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

herbert.byrrns@va.gov

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Herbert F. Byrrns
Deputy Director for Contracting,
NCO4

Date