

**DEPARTMENT OF VETERANS AFFAIRS
JUSTIFICATION AND APPROVAL
FOR
OTHER THAN FULL AND OPEN COMPETITION**

1. **Contracting Activity:** Department of Veterans Affairs
Network Contracting Office (NCO) 22
4811 Airport Plaza Drive, Suite 600
Long Beach, California, 90822

2. **Nature and/or Description of the Action Being Processed:** The proposed action is to request approval of a firm fixed-price Purchase Order that requires justification for other than full and open competition to provide preventative maintenance and repair service on government-owned Varian TrueBeam System and all associated components technology for VA Greater Los Angeles Healthcare System (VAGLAHS). The purchase request number is 691-14-4-208-0174 with an estimated cost of \$56,046.00.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The contractor shall furnish all necessary labor, material, tools, parts and transportation to provide full maintenance service including maintenance inspection, emergency field service support, software updates and upgrades, parts replacement and technical support for optimum operating efficiency of all covered hardware and software components of Government-owned Varian TrueBeam equipment systems.

4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - () Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - (x) Unusual and Compelling Urgency per FAR 6.302-2;
 - () Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - () International Agreement per FAR 6.302-4
 - () Authorized or Required by Statute FAR 6.302-5;
 - () National Security per FAR 6.302-6;
 - () 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 Government has determined that the current Contractor, Varian Medical Systems, continue the preventative maintenance and repair services of True Beam system without a break in service at VA Greater Los Angeles Healthcare System. These instruments are critical components to overall hospital operation providing comprehensive oncology care for our veterans. In the event of system failure, it cannot be safely repaired without the manufacturer's parts and Varian's certified engineers. It is crucial that all functionality of the True Beam System including all associated components technology are fully operable at all times in order to provide patients with the most accurate diagnosis and treatment possible. Clinicians need to have complete, real-time information about the patient, care needs, and treatment options. Without it being readily available to conduct further diagnosis, it would result in serious injury or possibly death to Veteran patients.

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In order to maintain continuity of support for VAGLAHS until a long term contract can properly awarded, an interim purchase order is the most logical and cost-effective solution to the Government. This will allow sufficient time to finalize the requirement for establishing a long term contract. The service provided by Varian Medical Systems is critical to the mission of the Department of Veterans Affairs. To lose this support for any period of time would result in unacceptable delays and would ultimately have a negative impact on direct patient care. Due to proprietary nature and complexity of these highly specialized equipment, it is determined to be in the best interest of the Government that Varian Medical Systems provide the full service maintenance and repair services required by VAGLAHS. .

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This requirement will not be synopsised in accordance with FAR Part 5. As explicitly indicated in FAR Part 5.202 (a)(2) Exemptions, Contracting Officer does not require to submit a notice if the proposed contract action is made under the conditions described in 6.302-2.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost is considered to be fair and reasonable based on the knowledge and experience of the using service, comparison to historical pricing and independent government cost estimate. Continued contractual support to provide this required service is crucial during this requested timeframe without causing additional burden on the Government. Attempting to transition to a new vendor during this short period of time would not be feasible or cost effective. Therefore, it is determined that the order represents the best value to the Government in accordance with FAR 13.106-3.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Search results utilizing the internet revealed Varian Medical Systems as the only service provider for TrueBeam system including all associated components. There are no contractors capable fulfilling the requested service from Ability One, Federal Prison Industries and Federal Supply Schedule. Furthermore, Varian Medical Systems provided a letter confirming proprietorship for the service required by VAGLAHS. The NAICS code selected for this requirement is 811219 – Other Electronic and Precision Equipment Repair and Maintenance; the Product Service Code (PSC) is J065 – Maintenance, Repair, Rebuilding of Equipment.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None, see section 8.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None.
11. **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:** It is possible that this request may be competed for the long term contract along with similar requirements for Varian Linear Accelerators.

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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.

patricia.tan
g@va.gov

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Patricia Tang
Position Title:
VA Greater Los Angeles Health Care System.

Date

Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

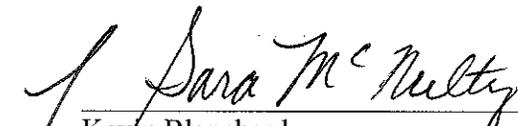
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Date: 2014.08.28 15:01:47 -07'00'

Jennelyn Peters
Contracting Officer
Network Contracting Office 22

Date

- b. **NCM/PCM:** I certify the justification meets requirements for other than full and open competition.


Keyin Blanchard
Director - Network Contracting Office 22

9-4-14

Date