

Attachment 2: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition  
506-15-1-152-0005

1. **Contracting Activity:** Department of Veterans Affairs, VISN XI, Ann Arbor Medical Center and Varian Medical Systems. Vendor is uniquely qualified and authorized to perform the requested service.
2. **Nature and/or Description of the Action Being Processed:** Vendor will provide service maintenance to True Beam Linear Accelerator and its components. Maintenance includes but is not limited to annual preventive maintenance inspections, replacement of all defective components per original manufacturer specifications and all applicable software upgrades during contract period of 1 Oct 2014 thru 30 Sep 2015. Estimated amount for this contract is \$246,403.00
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Maintenance includes preventive maintenance inspections, replacement of all defective components per original manufacturer specifications and all applicable software upgrades during contract period.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(g), as implemented by FAR 6.302 (1)/FAR 6.302.2(2)  
  
(1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**
  - a. **Only One Responsible Source (FAR 6.302-1) --**

Varian is the only firm capable of providing the supplies and services described above due to proprietary software and hardware 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. Varian is the proprietor of this software and is uniquely qualified to perform the service maintenance in a timely manner since they are also the manufacturer and can obtain necessary parts also in a timely manner. Varian does not authorize 3<sup>rd</sup> party service on their equipment. Use of a third party will void any warranty or guarantee by Varian for the system.


6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** *Biomedical Engineering was not able to secure third party sources for this work. The requested support services are of a proprietary nature and the specialized skills required are set to meet the requirements of this agency. At this time no other sources exist capable of providing the services needed.*
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** *Due to the nature of the request the estimated costs are deemed fair and reasonable based on market research that found only one source and comparison against past contracts with like kind. Contract used previously VA251-14-C-0011.*
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 only one source found.*
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:** *No actions are planned because the vendor has not released proprietary hardware or software to open market.*
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.*

  
Name: [Redacted]  
Title: Chief Biomedical Engineer  
Facility: VAMC Ann Arbor

Date: 8/5/2014


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.

  
Title: CONTRACTING OFFICER  
Network 11 Contract Office

8/8/2014  
Date

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

  
Name: [Redacted]  
NCM/Supervisory Contract Specialist (as appropriate)  
Network 11 Contract Office

8/12/2014  
Date

Network 11 Contract Office

- c. **SAO(If over \$500K)**: I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Ricky L. Lemmon  
SAO Director  
Central Region

\_\_\_\_\_  
Date

- d. **VHA HCA Review and Approval**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$10 million) or approve (\$500K to \$10 million) for other than full and open competition.

\_\_\_\_\_  
NORBERT S. DOYLE  
Chief of Procurement and Logistics Officer  
VHA, Head of Contracting Activity

\_\_\_\_\_  
Date

- e. **VA Deputy Senior Procurement Executive Approval (over \$10 million but not exceeding \$50 million)**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

\_\_\_\_\_  
C. FORD HEARD  
Deputy Senior Procurement Executive (DSPE)  
Office of Acquisition and Logistics  
Department of Veterans Affairs

\_\_\_\_\_  
Date

- f. **VHA Senior Procurement Executive Approval (over \$50 million)**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

\_\_\_\_\_  
JAN R. FRYE  
Deputy Assistant Secretary for Acquisition and Logistics  
Senior Procurement Executive (SPE)  
Department of Veterans Affairs

\_\_\_\_\_  
Date