

Attachment 2: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

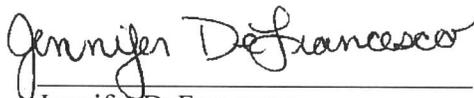
For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 11, Richard L. Roudebush VA Medical Center, Indianapolis 46202. 2237 # 583-15-1-169-0024
2. **Nature and/or Description of the Action Being Processed:** Establish a sole source procurement with Varian FY15 True Beam service contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Contractor shall provide preventative maintenance, emergency maintenance, and repair services to include parts, travel, and telephone support services for the Varian True Beam Equipment located at the Richard L. Roudebush VA Medical Center, 1481 W. 10th Street, Indianapolis, IN 46202 for a period of one year beginning October 1, 2014 through September 30, 2015 with four option years (to be exercised at the Government's discretion). Services required by October 1st, 2014. The estimated total cost for this procurement is \$480,830.00 (base + four option year total).
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 Varian True Beam needs to be serviced by the OEM because the Linear Accelerator has proprietary information and parts that are only available to Varian. Without sole sourcing this procurement, service could not be provided to ensure the Linear Accelerator would remain functioning to manufacturer standards. Varian also has proprietary software and passwords needed to perform and validate networking functions of the equipment. Therefore, the OEM, Varian is the only vendor that can service the equipment.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** No market research was conducted due to the fact Varian is currently the

only vendor that has the ability to service the True Beam. The Linear Accelerator contains proprietary information that only Varian can access in case of hardware and software issues. Network 11 Contracting Office competed and awarded a contract (VA251-13-C-0068) to Varian in FY13 for similar services to provide Linear Accelerator Maintenance Services. Only one response was received for that competed procurement and proprietary requirements were not part of that procurement. Based on that rationale and the requirements for proprietary access, it is reasonable to assume that there are no other vendors capable to perform these services.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost of the FY15 True Beam Maintenance Services Contract is estimated to be \$480,830.00 (base + four option year total). Based on previous biomedical equipment experience of costs to provide repair services of this equipment, and past procurement history such as the prices the VA is currently paying for similar services under contract VA251-13-C-0068 (\$115,405 per year; \$500,087.84 base + four option year total) the prices offered are considered fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** No market research was conducted due to the fact Varian is currently the only vendor that has the ability to service the True Beam. The Linear Accelerator contains proprietary information that only Varian can access in case of hardware and software issues. Varian is the OEM, and they do not sell their proprietary software or keys to 3rd party vendors.
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:** Varian Medical Systems, 3100 Hansen Way, Palo Alto, CA 94304
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:**
We will continue to conduct Market Research into the use of other vendors in future acquisitions.
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.



Jennifer DeFrancesco
Chief, Biomedical Engineer
Richard L. Roudebush VAMC

6/11/2014
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.

**lisa.frymier@
va.gov**

Digitally signed by
lisa.frymier@va.gov
DN: cn=lisa.frymier@va.gov
Date: 2014.07.21 12:15:59 -04'00'



July 21, 2014

Date

Lisa Frymier
Contracting Officer
Network 11 Contract Office

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



Toni Waggoner-Boykin
NCM/Supervisory Contract Specialist (as appropriate)
Network 11 Contract Office

21 Jul 14

Date