

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>\$150K)

1. **Contracting Activity:** *Department of Veterans Affairs, VISN XI, Ann Arbor Medical Center and Varian Medical Systems, for the software support of the Varis/Aria patient data management system and Eclipse treatment planning system. Transaction #506-16-1-1527-0022*
2. **Nature and/or Description of the Action Being Processed:** *Vendor will provide software support services to the Aria patient data management system and Eclipse treatment planning system. Software support 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 October 1, 2015 through September 26, 2015. Estimated amount for this contract is \$185,392.00.*
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** *Varian Medical service is being requested software support of the already implemented Aria and Eclipse software patient data management and treatment planning at the Ann Arbor Medical Center Radiation Oncology Service. This System is a vital part of Patient data management and treatment planning Safety and as such it is a unique tool part of Ann Arbor VA infrastructure. Varian Medical will provide all hardware and software support in accordance with the outlined Quote.*
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) –*

Accordingly, Varian Medical is the only firm capable of providing the Hardware and Service Support implementation as described in Section III 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. The support or services are needed at once because of potential harm to patients through delays. This software is located in Radiation Oncology Department VAMC Ann Arbor and it is directly responsible for diagnosis, treatment planning and management of patient data. 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.

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 was previously awarded under VA251-14-C-0121 for \$157,569.00.*
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.