

**LIMITED SOURCES JUSTIFICATION**

**ORDER >\$150,000**

**FAR PART 8.405-6**

**Acquisition Plan Action ID: 618-16-1-6065-0017**

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

**Restricted to the following source:** Provide original manufacturer's name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: Censis Technologies, Inc.

Manufacturer/Contractor POC & phone number: Brian Wimberly, 615-468-8027

Mfgr/Contractor Address: 830 Crescent Centre Drive, Suite 610 | Franklin, TN 37064

Dealer/Rep address/phone number: same as above

☒ The requested material or service represents the minimum requirements of the Government.

**(1) AGENCY AND CONTRACTING ACTIVITY:**

Department of Veterans Affairs

NCO 23

2101 Elm Street

Fargo, ND 58102

**VISN:**

23

**(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:**

A delivery order will be awarded on a limited sources basis for annual software licenses for the InstrumenTrac system utilized by the Sterile Processing Department (SPD) in conjunction with the Real Time Location System (RTLS). The software license covers POP 12/1/2015 to 11/30/2016.

**(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:**

Annual software license for the InstrumenTrac software system for all VISN 23 sites. This software tracks medical instruments through the sterile processing department's processes to ensure that these instruments have been sterilized and are available for use in surgical procedures.

**(b) ESTIMATED DOLLAR VALUE:** \$301,511.38

**(c) REQUIRED DELIVERY DATE:** December 1, 2015 (12/01/2015)

**(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE. (CHECK ALL THAT APPLY AND COMPLETE)**

☐ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

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☒ A patent, copyright or proprietary data limits competition. The proprietary data is:  
(If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)  
The current system, InstrumenTrac, employed by Censis Technologies, Inc. requires the renewal of annual software licenses. This software is proprietary to Censis Technologies, Inc. Therefore, no other vendor can provide the software license keys needed for renewal of subscription of this software.

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☐ These are "direct replacements" parts/components for existing equipment.

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☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

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☐ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

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☒ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

The current contract with Censis Technologies, Inc. in place for the use of the InstrumenTrac software expires on December 1, 2015. If another vendor is chosen to provide a replacement software, it would take months, at minimum, to create a suitable replacement that meets the specific needs of the Government and VISN 23. This would result in an unacceptable delay since this software is used in conjunction with the RTLS system.

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**(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:**

The proprietary software keys and software license are only available from this source. The GSA task order represents the best value to the Government as award will be made from GSA contract GS-35F-0462X which includes fair and reasonable prices that have previously been negotiated. The price will be determined fair and reasonable in accordance with FAR 8.404(d).

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**(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:**

Market research was conducted by looking at prior orders in IFCAP/eCMS. FPDS was also searched. FBO was searched. Market research was limited due to the compelling urgency of the requirement.

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**(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:**

All facts supporting the use of other than full and open competition have been stated within this justification and approval.

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**(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:**

Barriers to competition will be overcome when future RTLS subscription services are needed on a non urgent basis. The urgency of the current requirement did not allow for competition.

**(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

SIGNATURE

Nicholas Summary

NAME

VISN 23

FACILITY

TCF Intern

TITLE

DATE

Biomedical Engineering

SERVICE LINE/SECTION

**(10) APPROVALS IN ACCORDANCE WITH THE [VHAPM, Volume 6, Chapter VI: OFOC SOP](#):**

**a. CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

CONTRACTING OFFICER'S SIGNATURE

Lance Haman / Contract Officer

NAME AND TITLE

DATE

Fargo VA

FACILITY

**b. Director of Contracting/DESIGNEE:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

11/24/2015

SIGNATURE

Chris Volk

Branch Chief – Fargo VA, NCO 23

DATE