

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

**Medical Equipment Preventive Maintenance, Intuitive Surgical Robot System**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 1, VA Connecticut HCS – West Haven Medical Center, Clinical Engineering, 2237 # 689-12-2-7441-0041.
2. **Nature and/or Description of the Action Being Processed:** The intent of this new contract is to: Establish a Base Year with Two Option Years to support Clinical Engineering with services required for the Intuitive Surgical Robot System. The request is being procured on a sole source basis directly with Intuitive Surgical, Inc. 950 Kifer Rd, Sunnyvale, CA 94086 as a firm fixed price contract. Intuitive Surgical, Inc. is currently providing full service maintenance on the Intuitive Surgical Robot System for the West Haven VA Medical Center, CT.
3. **Description Services Required to Meet the Agency's Needs:** The contract will cover the preventive and corrective maintenance for the Surgical Robot System which has an acquisition value over \$1.8 Million. The procurement is for full service maintenance to support the Da Vinci Surgical Robot used in the Operating Room at the Medical Center. The equipment is highly precision and performs surgery which requires calibration to include service and maintenance in its most efficient capacity. The Software utilized is proprietary to Intuitive Surgical, Inc. which includes software maintenance and any upgrades required throughout the life of the equipment.
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 equipment is of a unique and one of a kind nature which prohibits the ability to use a direct replacement from another manufacturer or distributor. The proprietary knowledge necessary for proper performance of equipment is beyond the technology of any and all other vendors. The Surgical Robot mimics the fingers of a Surgeon performing complex procedures. It is in the best interest for patient safety and liability of the federal government to have the original equipment manufacturer perform all maintenance on the equipment and for

the software technology that is proprietary. To deviate from the original equipment manufacturer can damage the system valued over \$1.8 Million and incur potential addition expenses to the Government. Intuitive Surgical, Inc. has trained and certified technicians and facility service engineers specialized to work on the delicate and complex equipment. This equipment cannot be properly maintained without access to the company's proprietary software and licensed information which cannot be acquired through any other known source.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** No further actions are being facilitated to solicit this requirement in accordance with FAR Part 6.302-1 - One One Responsible Source can satisfy the agency needs in providing the maintenance required for software technology and equipment calibration. The VAMC, CT currently has Intuitive Surgical, Inc. servicing the equipment to sustain the function of continuity and not impact the medical care provided directly to patients.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The total estimated cost of the Base Year with Options is determined to be fair and reasonable. A price reasonableness memorandum will be prepared by the Contracting Officer and incorporated into the file of the contract. Past historical data for prices previously paid in the past will be reviewed and considered to determine that future prices quoted are fair and reasonable. The Contracting Officer communicated with the VA Medical Centers in Sacramento and Palo Alto and the prices for service and maintenance on this equipment relative in nature is consistent with the prices previously paid and required for Option Years.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Contracting Officer conducted Market Research and determined the services are not available from the required sources of supplies and services to include GSA and the Federal Supply Schedule utilizing searches on their websites. Market research indicated the services are open market and available from only one responsible source in relation to information supplied in paragraphs 3, 5 & 6 of this document. The Contracting Officer conducted further market research to support all rights are reserved as documented for Intuitive Surgical, Inc.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The requirements for the software upgrades and maintenance of the equipment will assist the VAMC, CT to provide continuous quality care to patients for future surgical procedures using proprietary software that the manufacturer offers to enhance the services required when the equipment is used in the Operating Room.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** "See section VI above."
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:** There are no removal for any barriers to competition for this new requirement. The Clinical Engineering Department intends to maintain the support of the equipment for the anticipated life expectancy estimated at 20 years to maximize the usage of the system. When the equipment is beyond service and repair, the Government shall research other surgical equipment/instruments before the procurement of a new system as a replacement. Since the software is proprietary, removal of the barriers for competition is not applicable.

**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.

**Chris T.  
Gutmann  
144448**

Digitally signed by: Chris  
T. Gutmann 144448  
DN: CN = Chris T.  
Gutmann 144448 O =  
internal OU = people  
Date: 2012.02.01 14:29:  
17 -05'00'

Name: Christopher Gutmann  
Title: Chief, Clinical Engineering  
Facility: VA Connecticut Health Care System

2/1/2012

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.

**John A. Young**

Digitally signed by John A. Young  
DN: c=US, o=U.S. Government, ou=Department  
of Veterans Affairs, ou=Internal Staff,  
0.9.2342.19200300.100.1.1=John.Young2@va.gov  
, cn=John A. Young  
Date: 2012.02.02 06:08:10 -05'00'

2/2/12

Name: John Young  
Title: Contracting Officer  
Facility: VAMC, Providence, RI

Date:

b. **Supervisor for Service Team:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

**Jacalyn  
Trudeau**

Digitally signed by Jacalyn Trudeau  
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of Veterans Affairs, ou=Internal Staff,  
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gov, cn=Jacalyn Trudeau  
Date: 2012.02.06 10:24:44 -05'00'

Name: Jacalyn Trudeau  
Title: Acting Manager, Contracting Officer  
Facility: VAMC, Manchester, NH

Date:

**HIGHER LEVEL APPROVAL (For orders over \$500,000):**  **REQUIRED** x  **NOT REQUIRED**

a. **VISN/PCA QA:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

**Mary J  
Connors**

Digitally signed by Mary J Connors  
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ou=Department of Veterans Affairs,  
ou=Internal Staff,  
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a.gov, cn=Mary J Connors  
Date: 2012.02.07 21:45:03 -05'00'

Name: Mary J. Connors  
Title: Quality Assurance/Contract Compliance Officer  
Facility: VAMC, Brockton, MA

Date: