

LIMITED SOURCES JUSTIFICATION**ORDER >\$150,000****FAR PART 8.405-6**Acquisition Plan Action ID: VHA 785538

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: PICIS CLINICAL SOLUTIONS, INCManufacturer/Contractor POC & phone number: Lee Smith - 770-778-6540Mfgr/Contractor Address: 100 QUANNAPOWITT PKWY STE 405, WAKEFIELD, MA 01880-1321

Dealer/Rep address/phone number: _____

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

(1) AGENCY AND CONTRACTING ACTIVITY:Department of Veterans AffairsNetwork Contracting Office (NCO)21VA Northern California HealthCare System150 Muir Road, Bldg: AB7; Rm: AB701Martinez CA 94553-4668**VISN:**VISN 21**(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:**

This action limits competition for the acquisition of Software Maintenance and Support Services for the Veterans Affairs Integrated Services Network (VISN 21).

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

(b) ESTIMATED DOLLAR VALUE:**(c) REQUIRED DELIVERY DATE:** 10-01-2016

(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

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Limited Sources Justification Format >\$150K

☒ 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.

The contractor, Picis has intellectual property rights (copyright) and proprietary data restrictions (security features) that are unavailable to competition to support and maintain this VISN mission critical medical systems.

☒ A patent, copyright or proprietary data limits competition. The proprietary data is:
The contractor, PICIS, has been identified as the only vendor with the technology and expertise to offer installations, updates, upgrades, maintenance and dba support on the software that they developed. PICIS has utilization limitations (security) on the software licenses provided within the contract and they also have intellectual property rights (copyright) and proprietary data restrictions that are unavailable to competition. To have another contractor attempt to install or provide services would cause an indemnification for infringement. In addition, these are mission critical medical systems for which only the vendor has the expertise and clearance to install/update/upgrade

☒ 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.

Visn 21 has set-up 6 medical centers using the current Picis CIS/ARK systems that serve 85 Intensive Care Unit s(ICU), 63 Post Anesthesia Care Units (PACU) and 49 Operating Room Suites (OR) based on the existing Picis VISN 21 CIS/ARK setup completed 19 months ago. The contractor, PICIS, has been identified as the only vendor with the technology and expertise to offer maintenance and support on the CIS/ARK software data that they originally customized. PICIS has utilization limitations (security) on the software licenses provided within the contract and they also have intellectual property rights (copyright) and proprietary data restrictions that further limit competition. Any maintenance, updates, or support would have to be done in conjunction with the already installed software.

☐ 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.

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

(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 following factors should be considered when determining best value: the past performance, the current ownership costs, software support and maintenance availability. All of these factors make it cost reasonable to utilize the previous source rather than invest in new software, hardware, and related services.

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

Please see Picis Market Research in ECMS briefcase or attached to this 2237.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

(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:

If more contractors become certified to work on these machines, we will consider them. However, at this time, PICIS, Inc. is the only known vendor licensed to provide the software support and maintenance on this contract.

(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

DATE

NAME

TITLE

SERVICE LINE/SECTION

FACILITY

(10) APPROVALS IN ACCORDANCE WITH THE VHAPM, Volume 6, Chapter VI: OFOC SOP: *This part if filled out by Contracting Staff as part of the Justification*

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/DESIGNEE'S SIGNATURE

DATE

NAME AND TITLE

FACILITY

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

SIGNATURE

DATE

NAME

NCO/PCO X Director of Contracting

Sam M. Harbin, Director of Contracting

HIGHER LEVEL APPROVAL (Required For orders over \$700,000):

c. VHA SAO HCA REVIEW AND APPROVAL (over \$700,000 to \$13.5 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 restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4

NAME
VHA Head of Contracting Activity (HCA)

DATE