

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

**(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**

☒ 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 with similar Picis CIS/ARK systems integrating 85 Intensive Care Units (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. PICIS, has been identified as the only vendor with the technology and expertise to offer installations, updates, upgrades and support for the Picis 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. The 6 Visn medical centers with similar Picis CIS/ARK systems will be required to support the Las Vegas Critical Care staff during the implementation with testing, training, and after with supporting the OR, ICU and PACU clinicians with issues that arise with this complex critical care system.

☐ 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.

**(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*



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*signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
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  
\_\_\_\_\_  
NAME AND TITLE  
\_\_\_\_\_  
DATE  
\_\_\_\_\_  
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