

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

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

Acquisition Plan Action ID: VA250-17-AP-10855

1. **Contracting Activity:** Department of Veterans Affairs, Network 10 Contracting Office, 8888 Keystone Crossing Blvd. Ste# 1100, Indianapolis, IN 46240.
2. **Nature and/or Description of the Action Being Processed:** **FAR 13.5 Simplified Acquisition Procedures for Certain Commercial Items:** The Richard L. Roudebush VA Medical Center located at 1481 W 10th Street, Indianapolis, IN 46202 and the Northern Indiana Healthcare System (NIHCS) located at 2121 Lake Avenue, Fort Wayne, IN 46805 (Ft. Wayne location) and 1700 E 38th Street, Marion, IN 46953 (Marion location) are requesting ProSolv Software Support and Maintenance Services for a Base Year period of 10/1/17 through 9/30/18, with four (4) option years exercisable at the Government's discretion. The Independent Government Estimate for this base plus four (4) option year contract is \$187,500.00 (\$37,500.00 base year).

These services are being procured in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items, specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still requires a justification using the format of FAR 6.303-2.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Contractor shall provide software support and maintenance services for ProSolv Echo Viewer, Analyzer, Server, HL7 Integration, ADT Interface Integration, HIS Integration, Enterprise and Manager/Remote Viewer located at the Richard L. Roudebush VAMC and Northern Indiana Healthcare System. The Contractor shall provide technical support & phone support, facilitate operation of the ProSolve software in conjunction with all associated functions, upgrades, and components. Contractor shall provide support services for any disruption of functionality for the software and any of its associated components.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
FAR 13.5 Simplified Procedures for Certain Commercial Items: The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

- () (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;
- (X) FAR 13.5 in accordance with 41 USC 1901;

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Fuji Film Medical is the Original Equipment Manufacturer (OEM) for the ProSolv Echo System. They are the only source capable to provide software and maintenance services for the for ProSolv Echo Viewer, Analyzer, Server, HL7 Integration, ADT Interface Integration, HIS Integration, Enterprise and Manager/Remote Viewer due to the proprietary requirements to maintain the system.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: Market research was conducted. VetBiz and DSBS were both queried for SDVOSB/VOSB and other Small Business types using NAICS Code 541519 and keyword "ProSolv;" the searches returned no results. A Sources Sought was issued on www.fbo.gov on September 11, 2017 (VA250-17-N-1169) in an attempt to reach any other possible sources; no responses were received. These services require proprietary software keys and accesses to maintain and upgrde the system. Fuji Film is the only source capable to provide these services.

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable: The Contracting Officer will ensure the prices being offered are fair and reasonable through use of reviewing past procurement history of these services (VA251-13-C-0015 awarded on 10/1/12 in the amount of \$187,500.00) and comparison to other like contracts.

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, as stated in paragraph 6; the OEM is the only source that is able to provide software and maintenance services for the for ProSolv Echo system. They are the only source with the necessary proprietary accesses, such as service keys and software updates to configure and maintain the software.

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:

Fuji Film Medical Systems USA
Attn: Donna Webster
419 West Avenue
Stamford, CT 06902

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: In the future, market research will be conducted to see if any other sources have obtained the proprietary information required to support and provide the services for the ProSolv medical system.

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.

Jordan Keebaugh
Acting Chief, Biomedical Engineer
Richard L. Roudebush VAMC

09/13/2017

Date

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Sole Source Justification Format >\$150K

13. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP](#).

- a. **Contracting Officer or Designee's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Lisa Frymier
Contracting Officer
Network Contracting Office 10

Date

- b. **Branch Chief (Required if over \$150K):** I certify the justification meets requirements for other than full and open competition.

Toni D. Waggoner-Boykin
Branch Chief
Network Contracting Office 10

Date