

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)**

Acquisition Plan Action ID: VA256-18-AP-1237

1. **Contracting Activity:** Department of Veterans Affairs, VISN 16, Michael E. DeBakey VA Medical Center (MEDVAMC), Network Contracting Office 16. Purchase request 580-18-2-047-0038
2. **Nature and/or Description of the Action Being Processed:** This is a sole source justification to support the purchase of software to be used to accurately track patients. The procurement action will be a firm-fixed-price contract consisting of a 12-month base and four 12-month options.

This procurement will be processed in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and 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:** MEDVAMC requires real time automated OR control system (ORC) software to track patient surgeries. The procurement will include commercially available software and licenses that will be uniquely assembled to meet MEDVAMC's specific ORC needs. MEDVAMC's current ORC is a real time automated control system that controls surgery activities including process flows. Each day the ORC pulls the initial surgical schedule information from VISTA, and as the day progresses the ORC continuously modifies the schedule to optimize the efficiency of surgery activities and to track patients.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 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).
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Healthcare Control System, Inc. (HCS) is the incumbent contractor and is currently providing the ORC software/licenses that MEDVAMC is currently using. HCS owns the ORC including all associated software and related intellectual property. HCS is the sole distributor, licensor, and proprietor of the system. Market research was conducted, as detailed in paragraph #8 below, in attempt to find other sources which would enable the competition of this requirement. Market research

revealed no other capable sources and therefore substantiates the sole source approach for this action.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Please see paragraph #8 below which details the market research conducted in an attempt to find other sources which would enable the competition of this requirement.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** This is a commercial acquisition so price risk is low. Prior to award, price analysis will be conducted to ensure fair and reasonable pricing.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** On December 5, 2017, a NASA SEWP RFI was posted with no responses received. Subsequently, on December 6, 2017, an RFI/Sources Sought was posted on FBO. The intent of the posting was to advise industry of the pending acquisition and to obtain information to support the formal procurement strategy by determining the availability of sources who could provide the exact brand name software and the availability of sources who could potentially provide equivalent software. A single RFI response was received from an SDVOSB, however after review of their proposed products it was determined that the interested contractor could not meet the requirements for providing a real time automated control system. Based upon this market research it has been determined that to meet VA's need a sole source award will be made to HCS, the small business incumbent contractor currently providing MEDVAMC with the required real time automated control system 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:**
One RFI/Sources Sought responded was received from Epoch Concepts, Inc, but after review of their products it was determined that they would not be able to meet VA's need. HCS is the incumbent contractor currently providing MEDVAMC with the required real time automated control system software
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:** Prior to awarding future acquisitions for the same or similar products, additional market research will be conducted to determine if market conditions have changed which would enable the competition of the requirement.
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

