

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA257-18-AP-0672

1. **Contracting Activity:** The Department of Veterans Affairs, SAO West, NCO 17 on behalf of the VISN 17, El Paso VA Medical Center (EPVAHCS) intends to enter into a sole source agreement with Four Points Technology, LLC. for the purchase of MiPACS Software Licenses. Funds are reserved under requisition number 756-18-1-960-0017.
2. **Nature and/or Description of the Action Being Processed:** The EPVAHCS requires the purchase of software licenses and supporting software for the use of their MiPACS Dental Enterprise PACS system manufactured by Medcor Imaging, a division of Lead Technologies, Inc. These licenses are proprietary to Medcor Imaging and are available only from the manufacturer or their authorized distributors.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The EPVAHCS must obtain software licenses to utilize their MiPACS Dental Enterprise PACS system. These licenses are proprietary to Medcor Imaging and are available only from the manufacturer or their authorized distributors. Medcor Imaging referred the Contracting Officer (CO) to their sole SDVOSB authorized distributor Four Points Technology, LLC. Four Points Technology, LLC. is the only SDVOSB capable of providing the proprietary items as part of their SEWP contract: NNG15SD22B. The VA anticipates delivery within 60 Days After Receipt of Order (ARO) in the amount of
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - () (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
 - (x) (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 required software licenses are proprietary to Medcor Imaging and are available only from the manufacturer or their authorized distributors. Medcor Imaging referred the Contracting Officer (CO) to their sole SDVOSB authorized distributor Four Points Technology, LLC. Four Points Technology, LLC. is the only SDVOSB capable of providing the proprietary items as part of their SEWP FSS contract: NNG15SD22B. As authorized by P.L. 109-461 § 8127 (b) the CO determines it to be in the government's best interest to use other than competitive procedures in fulfilling the government's needs. There is one (1)

VetBiz.gov registered SDVOSB contractor authorized to distribute software licenses on Medisor Imaging's behalf.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Efforts were made to identify additional VOSB/SDVOSB sources of the required licenses; however, Medisor Imaging confirmed that they have only one authorized SDVOSB distributor, Four Points Technology, LLC. Due to the proprietary nature of the system and the software licenses being acquired through a single SDVOSB the government has limited efforts to overcome limitations to competition.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** Pricing has already been determined fair and reasonable with the award of NNG15SD22B. In addition, the VA is receiving an approximately _____ discount off of SEWP contract pricing from _____. The Contracting Officer determines the price to be fair and reasonable.
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 in accordance with FAR Part 10. The software licenses are proprietary to the MiPACS Dental Enterprise PACS system's manufacturer Medisor Imaging. Upon contacting the manufacturer they stated that they utilize one (1) SDVOSB distributor, Four Points Technology, LLC. Market research was limited based on the proprietary nature of the products being purchased.
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:** Four Points Technology, LLC.
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:** At this time the agency has no recourse to remove or overcome barriers to competition.
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.

Name
Title
Facility

Date

13. **Approvals in accordance with the VHAPM Part 806.3 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.

Jessica E.
Roman

03/09/2018

Name Jessica E. Roman
Title Contracting Officer
Facility

Date