

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>SAT)**

Requirement Title: eICU® sustainment support for one (1) Tele-ICU command center for VISN-10 and one-hundred ninety-one (191) participating beds located in VISN-7 and VISN-10

Acquisition Plan (ID Number): 36C250-18-AP-0261

VA-2237 (ID Number): 539-18-4-404-0068

1. Contracting Activity:

Department of Veterans Affairs
Network Contracting Office (NCO) 10
260 East University Avenue
Cincinnati, Ohio 45219-2637
(513) 559-3704
Station Code: 36C250

- 2. Nature and/or Description of the Action Being Processed:** This is a requirement to provide eICU® sustainment support for one (1) Tele-ICU command center for VISN-10 located at VAMC Cincinnati and one-hundred ninety-one (191) participating beds located in VISN-7 and VISN-10 from 1 July 2018 to 30 June 2019.

Philips eICU® is a proprietary capability in which is the only vendor authorized to license or support the Philips eICU Program is Philips Electronics North America Corporation. The government anticipates that sustainment support for future eICU® requirements will be solely provided by Philips Electronics North America Corporation.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement for eICU® sustainment support is 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 require a justification using the format of FAR 6.302-1.

- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** The contractor shall provide eICU® sustainment support for one (1) Tele-ICU command center for VISN-10 and one-hundred ninety-one (191) participating beds in VISN-7 and VISN-10 from 1 July 2018 to 30 June 2019 summarized as follows:

- eICU® sustainment for one (1) Tele-ICU Command Center located at VAMC Cincinnati
- eICU® sustainment for one-hundred ninety-one (191) Tele-ICU participating beds:
 - VISN-7 | Twelve (12) beds located in the Medical ICU at VAMC Atlanta in Atlanta, GA
 - VISN-7 | Twelve (12) beds located in the Surgical ICU at VAMC Atlanta in Atlanta, GA
 - VISN-7 | Twenty (2) beds located in the ICU at VAMC Charlie Norwood in Augusta, GA
 - VISN-7 | Eight (8) beds located in the Cardiac Care ICU at VAMC Birmingham in Alabama
 - VISN-7 | Ten (10) beds located in the Medical ICU at VAMC Birmingham in Alabama
 - VISN-7 | Ten (10) beds located in the Surgical ICU at VAMC Birmingham in Alabama
 - VISN-7 | Eight (8) beds located in the ICU at VAMC Central Alabama HCS West in Montgomery

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- VISN-7 | Eight (8) beds located in the Medical ICU at VAMC Ralph H. Johnson in Charleston, SC
- VISN-7 | Eight (8) beds located in the Surgical ICU at VAMC Ralph H. Johnson in Charleston, SC
- VISN-7 | Twenty-two (22) beds located in the Medical/Surgical ICU at VAMC William Jennings Bryan Dorn located in Columbia, SC
- VISN-10 | Twelve (12) beds located in the Medical ICU at VAMC Cincinnati in Ohio
- VISN-10 | Ten (10) beds located in the Surgical ICU at VAMC Cincinnati in Ohio
- VISN-10 | One (1) bed located in the Emergency Department at VAMC Cincinnati in Ohio
- VISN-10 | Sixteen (16) beds located in the Medical ICU at VAMC Louis Stokes in Cleveland, OH
- VISN-10 | Ten (10) beds located in the Surgical ICU at VAMC Louis Stokes in Cleveland, OH
- VISN-10 | Ten (10) beds located in the Acute Care Unit at VAMC Chillicothe in Ohio
- VISN-10 | One (1) bed located in the Emergency Department at VAMC Chillicothe in Ohio
- VISN-10 | Thirteen (13) beds located in the Intensive Care Unit at VAMC Dayton in Ohio

4. Statutory Authority Permitting Other than Full and Open Competition:

- (X) (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;

FAR13.5 Simplified Procedures for Certain Commercial Items: The authority for applying the Simplified Procedures for Commercial Items under FAR 13.5 is 41 U.S.C. 1901 and is implemented for restricting competition on this procurement in accordance with 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):

This requirement is being executed under the authority of FAR part 6.302-1 which is entitled "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements". Philips eICU® is a proprietary capability in which is the only vendor authorized to license or support the Philips eICU Program is Philips Electronics North America Corporation. The government anticipates that sustainment support for future eICU® requirements will be solely provided by Philips Electronics North America Corporation.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

This requirement is being executed under the authority of FAR part 6.302-1 which is entitled "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements". Philips eICU® is a proprietary capability in which is the only vendor authorized to license or support the Philips eICU Program is Philips Electronics North America Corporation. The government anticipates that sustainment support for future eICU® requirements will be solely provided by Philips Electronics North America Corporation.

- 7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:**
The Independent Government Cost Estimate (IGCE) for this requirement was based on the historical unit pricing established under contract VA250-17-C-0029 for eICU® sustainment support for the VISN-10 command center and participating beds located in VISN-7 and VISN-10. The historical unit pricing for VISN-10 was compared with the historical unit pricing established by VISN-23 for their eICU® sustainment support as well as private sector hospitals to determine the price for this requirement as fair and reasonable in accordance with the Federal Acquisition Regulation.
- 8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research for this requirement was conducted prior to the issuance of the solicitation which resulted in the competitive award of the first contract for this capability to Philips Electronics North America Corporation in calendar year 2010. Additional market research was conducted for eICU® sustainment support in calendar year 2018 with VISN-23 and several private sector hospitals to establish the IGCE as described in the previous paragraph to determine the price for the award of this contract price for this requirement as fair and reasonable.

Review of the Vendor Information Pages (VIP) database was not required in accordance with VAAR Class Deviation 810.001-70 due to this requirement being procured under the authority of under the authority of FAR part 6.302-1 which is entitled “Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements”.
- 9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** This requirement is being executed under the authority of FAR part 6.302-1 which is entitled “Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements”. Philips eICU® is a proprietary capability in which is the only vendor authorized to license or support the Philips eICU Program is Philips Electronics North America Corporation. The government anticipates that sustainment support for future eICU® requirements will be solely provided by Philips Electronics North America Corporation.
- 10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** This requirement is being executed under the authority of FAR part 6.302-1 which is entitled “Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements”. Philips eICU® is a proprietary capability in which is the only vendor authorized to license or support the Philips eICU Program is Philips Electronics North America Corporation. The government anticipates that sustainment support for future eICU® requirements will be solely provided by Philips Electronics North America Corporation.
- 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:** This requirement is being executed under the authority of FAR part 6.302-1 which is entitled “Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements”. Philips eICU® is a proprietary capability in which is the only vendor authorized to license or support the Philips eICU Program is Philips Electronics North America Corporation. The government anticipates that sustainment support for future eICU® requirements will be solely provided by Philips Electronics North America Corporation.

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- 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.

Michelle J. Miller
Program Specialist
VISN10 Tele-ICU, Cincinnati VA Medical Center

29 June 2018

Joseph M. Torok
Operations Director
VISN10 Tele-ICU, Cincinnati VA Medical Center

29 June 2018

1. 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.

Bradley K. Burhite
Contracting Officer
NCO-10

29 June 2018

- b. **One Level Above the Contracting Officer (Required over SAT but not exceeding \$700K)**: I certify the justification meets requirements for other than full and open competition.

John M. Ryan
Contacting Officer
NCO-10

29 June 2018