

LIMITED SOURCES JUSTIFICATION
FAR PART 8.405-6

Acquisition Plan Action ID: VA250-18-AP-8962

Purchase Request/2237 #: Resulting Contract Action is an unfunded BPA. PR's to be provided upon orders being placed.

1. Contracting Activity:

Network Contracting Office 10
24 Frank Lloyd Wright Drive
Lobby M, Suite 2200
Ann Arbor, MI 48105

2. Description of Action: This acquisition is conducted under the authority of the Multiple-Award Schedule Program (41 U.S.C. 251 and 40 U.S.C. 501).

Order against: [8J FSS Contract Number: V797P-4237B

Name of Proposed Contractor: ScriptPro USA, Inc.

Street Address: 5828 Reeds Road

City, State, Zip: Mission, KS 66202-2740

Phone: 913-403-5939

3. Description of Supplies or Services:

The estimated value of the proposed action is \$3,301,864.32.

Limited Source Justification for ScriptPro robotics support services. This is a new requirement. ScriptPro robotics aids the Pharmacy in packaging and labeling prescriptions for outpatient prescriptions. The SP Central portion of ScriptPro generates a ticketing system to aid Pharmacy in calling patients in to the pharmacy for counseling, prescription processing, and documents work-flow. This acquisition is for the ScriptPro Technical Support Plan for existing equipment and new equipment as installed for all VISN 10 sites. This support plan provides the following:

- Software updates
- Hardware updates that fix a ScriptPro defined functionality problem
- Routine inspections and maintenance
- 24-hour, 7 day per week, 800# Helpline for software, hardware, and user questions
- On-site service technician will be dispatched within 24 hours if required (all costs included)
- New hardware functionality will be offered as a fee-based service

The estimated period of performance is 07/01/2018 -06/30/2023. The BPA will be a base year with four, one-year option periods.

4. IDENTIFY THE AUTHORITY AND SUPPORTING RATIONALE (see 8.405-6(a)(1)(i)(A), (B), and (C) or 8.405-6(b)), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.

D An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

[8] Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized; ScriptPro equipment is owned by the Department of Veterans Affairs. To keep the equipment in OEM working condition the Customer Support Plan for existing equipment is utilized to ensure routine maintenance and repairs can be completed, as well as customer support for technical difficulties. ScriptPro's GSA contract #V797P-4237B states the warranty is void if the Equipment or Software has been installed or modified other than as authorized in writing by ScriptPro. Furthermore, the contractor provided documentation of all authorized entities that are able to sell and maintain their equipment. "The ScriptPro Equipment is proprietary and may only be purchased through ScriptPro or from one of its authorized distributors, Veterans Healthcare Supply Solutions or Four Points Technology. ScriptPro is the sole source service provider of the ScriptPro Customer Technical Support Plan. ScriptPro supports the product direct throughout the United States under the Customer Technical Support Plan. ScriptPro also sells the Customer Technical Support Plan through Veterans Healthcare Supply Solutions and Four Points Technology with new Equipment purchases."

D In the interest of economy and efficiency, 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.

D Items peculiar to one manufacturer:

D A patent, copyright or proprietary data limits competition. The proprietary data is: (If FAR 8.405-6(a)(2)(iii) before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

D These are "direct replacements" parts/components for existing equipment.

D 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.

5. DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.404(d) TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

The services to be provided under this BPA are fixed price services in accordance with ScriptPro's FSS Contract. Accordingly, GSA has already determined the prices for these services to be fair and reasonable.

The offer received will be evaluated based on historical data, current use of the equipment, and list pricing discounts (if applicable). At a minimum, pricing will be established IA W V797P-4237B. IA W FAR 8.405-4 the Contracting Officer shall seek a price reduction from schedule prices. ScriptPro is the sole source service provider of the ScriptPro Customer Technical Support Plan. Failure to have a support plan in place could lead to failure of the equipment due to equipment malfunction, failure to update, and other factors. This support plan is only available from the OEM. Should the VA choose to procure a "support plan" from any other contractor, the equipment will no longer be serviced by the OEM. If the equipment failed at that time the VA's only recourse would be to acquire new equipment, which is a large initial investment.

6. DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

a. MARKET RESEARCH SOURCES:

- b. Vendor Information Pages (VIP) Database (www.vip.vetbiz.gov)
- c. GSA e-Library (<https://gsaelibrary.gsa.gov/>)
- d. Federal Procurement Data System - Next Generation (FPDS-NG) (www.fpds.gov)
- e. Documentation from Contractor

a. MARKET RESEARCH FINDINGS:

b. Vendor Information Pages (VIP) Database: In accordance with VAAR 810.001-70, the CS queried the VIP Database on 05/29/2018. The query located 290 SD/VOSB contractors registered with NAICS Code 339112. The CS also searched with the NAICS Code 339112 with the Keyword "ScriptPro." The search yielded Oresults.

c. GSA e-Library: The Contract Specialist has identified ScriptPro USA, Inc. as an FSS Schedule holder with all required support services for existing equipment via Contract V797P-4237B.

d. Federal Procurement Data System - Next Generation (FPDS-NG): The CS located multiple past awards ScriptPro Support. All awards have been made under NAICS Code 339112 with various PSC Codes assigned. Delivery Orders are normally issued against Contract V797P-4237B with some "open market" procurements for services not available on ScriptPro's Schedule. The awards include 36C24118N0849, 36C24118N0906, 36C24118N0918, 36C24118P1032, 36C24118P3701, 36C24618F0188, 36C24618F0547, and 36C24618F1141. All awards have been awarded without competition IA W FAR 8.405-6 or FAR 13.

e. Documentation from Contractor: The contractor provided documentation of all authorized entities that are able to sell and maintain their equipment. "The ScriptPro Equipment is proprietary and may only be purchased through ScriptPro or from one of its authorized distributors, Veterans Healthcare Supply Solutions or Four Points Technology. ScriptPro is the sole source service provider of the ScriptPro Customer Technical Support Plan. ScriptPro supports the product direct throughout the United States under the Customer Technical Support Plan. ScriptPro also sells the Customer Technical Support Plan through Veterans Healthcare Supply Solutions and Four Points Technology **with new Equipment purchases.**" Therefore, since this requirement is not for the procurement of new equipment, support plans are not available from any other source except ScriptPro.

7. ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

As noted in Section 6, historical awards for support on equipment have all been awarded to ScriptPro USA. Although ScriptPro allows the sale of equipment by authorized resellers, they do not allow support agreements outside of the initial purchase of equipment from the suppliers.

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:

ScriptPro equipment is essential to the functions of the Department of Veteran's Affairs Pharmacy and other clinical departments. Their equipment will continue to be procured and utilized. Upon replacement of equipment, market research will continually be performed to confirm the need for the brand name equipment. Should ScriptPro be required, the government has confirmation of two SDVOSB Contractor's capable of providing the equipment. These SDVOSB's can provide the initial service plan with the sale of the equipment, but they cannot extend past the initial procurement POP. Competition will be performed IAW all FAR and VAAR requirements to the maximum extent practicable for equipment purchases.

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