

**DEPARTMENT OF VETERANS AFFAIRS**

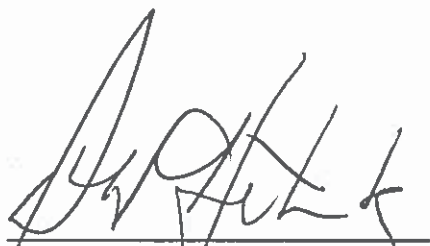
**Justification and Approval (J&A)  
For  
Other Than Full and Open Competition (>SAT)**

Acquisition Plan Action ID: VA256-18-AP-1160

1. **Contracting Activity:** Department of Veterans Affairs, VISN 16, Jackson Medical Center, MS & NCO 16 Contracting Supply Team A, 2237# 586-18-3-047-0134, estimated \$328,499.00.
2. **Nature and/or Description of the Action Being Processed:** **FAR13.5 Simplified Procedures for Certain Commercial Items:** This procurement is for Varian Eclipse Rapid Plan, ARIA and Velocity software and servers. The action will be procured as a Single Sole Award to Varian Inc., Firm-Fixed Price Contract, 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.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Jackson VA Healthcare System VAMC intends to acquire the latest standard of care for Veterans with cancer. The VAMC is in the process of building a new addition to include a \$4.2 million Varian Radiation Therapy treatment machine, which has already been purchased. The servers to be procured, proprietary only to Varian Medical Systems Inc., are necessary to support the new machine.
4. **Statutory Authority Permitting Other than Full and Open Competition:** **FAR13.5 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).
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** A letter of Proprietorship was obtained from Varian Medical Systems Inc., confirming the software and servers are proprietary. Varian do not have SB/VOSB/SDVOSB partners that could provide the requirement, and will only sell and provide it directly. The Jackson VA procured a state of the art Varian Cancer Treatment Machine for over \$4.2 million, that requires Varian software and servers. The software to be procured will leverage the machine's learning approach and will provide planning models for different disease sites. It will also let the user input customized treatment plans that adapts to the clinic's treatment method and protocol. The servers will meet the recommended specifications for ARIA for Radiation Oncology v.11, and will provide RO Interface Exchange Management, and the necessary graphics processing unit cards requirement to support the Framework Agent Server Algorithm licenses.

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

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** As stated above, the software and servers needed can only be procured with a Sole Source Justification to Varian Medical Systems Inc. for being proprietary equipment and service.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** Historical procurements as shown on a FPDS search for similar procurements reflected similar pricing to the IGE.
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 through FPDS searches, internet web search, GSA Advantage search, NAC Catalog search, and contacting Varian for a proprietorship letter.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Varian Medical Systems Inc. is the only available company in the market capable of providing the requirement.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Varian Medical Systems Inc.
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:**  
Continuous Market Research will be performed to ensure future requirements can be competed among other competitors in the event a similar equipment and/or services from a different company is developed. At this time, it is in the best interest to the Government to procure this requirement as a Sole Source Award to Varian Medical Systems Inc.
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 A/O 114B  
Title HETRICK, D.W.  
Facility Jackson VAMC (586)

8/9/2018  
Date

13. **Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:**

OFOC SOP Revision 08

Original Date: 03/22/11

Revision 08 Date: 04/18/2018

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP  
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- 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.

CLAY K JONES 685130 Digitally signed by CLAY K JONES 685130  
Date: 2018.08.09 09:32:06 -05'00'

Name: Clay K. Jones  
Title: Contracting Officer  
Facility: NCO 16

Date

- 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.

SUSAN E HAYS 1046805 Digitally signed by SUSAN  
E HAYS 1046805  
Date: 2018.08.09 10:14:43  
-05'00'

Name: Susan E. Hayes  
NCO 16 Division Chief

Date