

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 09, 621 Medical Center
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the procurement of a full service contract for the Varian Eclipse and Aria Patient Planning System located in Radiation/Oncology Department at James H Quillen, VAMC, Mountain Home, TN. Services include phone support.
3. The manufacturer is Varian Radiation Division, 2250 New Market Parkway, Suite 120, Marietta, GA 30067.
4. Varian Medical Systems is the only vendor able to repair and calibrate this equipment because of proprietary software, parts and warranty on the installed parts. 2237# 621-13-1-096-0019.
5. **Description of Supplies/Services Required to Meet the Agency's Needs:** To provide a new one year full service contract to include four (one-year) option periods to maintain/repair the Varian ARIA and Eclipse equipment to include software. This system is a computer patient treatment planning system that controls the radiation dose for the patient's cancer treatment. The Eclipse and Aria systems interface with the cancer treatment machine. The aggregate total for a five year period (one base year with four one-year option periods) is \$374,734.00. VAMC, Mountain Home, TN owns the equipment.
- 6.
7. **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;
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 service and repair can only be performed by Varian Medical Systems because of the proprietary nature of the operating system. This system includes proprietary software updates. The personnel performing services must provide service in accordance with manufacturers specifications and must be factory trained technicians.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

There are no known competitors that can maintain the Varian Trilogy with RapidArc system and the ARIA and Eclipse software due to the proprietary nature of the equipment and software supplied by Varian.
6. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

The anticipated price to the Government is \$374,734 for a five year period. The Contracting Officer will determine the price to be fair and reasonable "prior to award" by reviewing Government estimate and procedures indicated in FAR 15.4..
7. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** This service can only be performed by the manufacturer of this equipment because the warranty period has ended. The installation of the parts must be performed by factory trained technicians. The software is

proprietary. The hardware is licensed on a limited basis. A sources sought was conducted on September 19, 2012 with offers due September 26, 2012.

Version 1, 6 May 2011

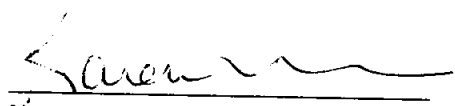
8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**
9. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Varian Medical Systems
10. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** This is specific to Varian Medical Systems as they have proprietorship and warranty restrictions.
11. **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: Kenneth Johnson Biomed Tech
Facility VAMC Mountain Home, TN

Date

12. **Approvals in accordance with FAR 6.304**

- a. **Contracting Officer's Certification:** (required) I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Name
Contracting Officer
Facility



Date

- b. **Product Line Supervisor (PLS):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name
Contracting Supervisor
Facility

Date

- c. **DNCM/NCM:** (SAT to \$500,000) I certify the justification meets requirements for other than full and open competition.
- _____

Linda S. Greaves
Network Contract Manager
VISN 9

Date

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- d. **VHA HCA Review and Approval:** (over \$500,000) I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.

HCA
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

Date

- e. **VA Deputy Senior Procurement Executive Approval (over \$10 not exceeding \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Iris B. Cooper
Deputy Senior Procurement Executive (DSPE)
Office of Acquisition and Logistics
Department of Veterans Affairs

Date

- f. **VHA Senior Procurement Executive Approval (over \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Jan R. Frye
Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

Date