

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** VA Pittsburgh Healthcare System.
2. **Nature and/or Description of the Action Being Processed:**
Brand Name Only and Only One Responsible Source Sole Source Award for a new firm-fixed-price contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**
Furnish and Install MIM Maestro PET Pathology Imaging Software/System. Estimated amount \$53,500.
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
 - ☐ (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):**

It is essential to the Government's needs to purchase and have installed, MIM Software Maestro Pathology Imaging Software ,with ancillary Dell PC, as a total system that represents the Governments minimum need, since this Software has the following features, not available in any other company's similar product, and since only MIM Software is the sole exclusive seller and installer of this software product within the U.S. (See emails from Bill Carruthers of MIM Software, dated 10/1/2012 and 10/2/2012, that is in the Contract File under P03.)

Features:

The MIM System can process images and data from many other commercial systems allowing us to combine images that are not possible with our existing computer systems. It has the capability to do deformable registration of images. This allows us to adjust treatment plans to changes in the patient during treatment. This also allows us to use diagnostic images taken in non treatment position. The edge detection used in PET has been shown to be superior to standard methods.

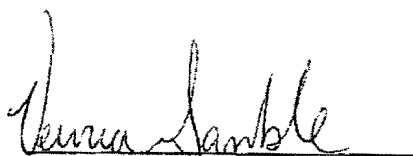
Other characteristics:

1. Voxalign Deformation Engine for accurate modality deformation
2. Autocontouring that allows sites to include their own previous patients as subjects in the atlas to improve results at each site
3. ART Assist for automated, customizable CBCT reports to monitor your planning and guide replanning decisions
4. Simultaneous registration and display of any number of modalities - no limit to number of modalities displayed or screen layout options
5. User-customizable workflows to automate processes to users' exact preference (adaptive recontouring, dose accumulation, etc)
6. Contour CoPilot tool for fast slice-to-slice contour creation or editing
7. PETedge tool for creating accurate target volumes in PET with more accurate contouring and therapy response assessment using quantified functional data from PET
8. Structured reports for customizable report generation for dose constraints, therapy response or any statistical, contour or image analysis
9. Statistics viewer to quickly generate reports, charts, graphs, screen captures, or PDFs for use in plan reports on treatment planning systems.

The MIM System can process images and data from many other commercial systems allowing us to combine images that are not possible with our existing computer systems. Computer search determine that no other companies had this capability.

The MIM system is unique in the way that it can fuse two different images from different scans of the same person. For example if a patient has a diagnostic PET/CT and is later sent to Radiation therapy, MIM lets us stretch the scan to match a CT in our treatment position. Then we do not need to repeat the PET scan. **No other commercial system can do this.**

10. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: A Notice of Intent to Sole Source will be posted to Fedbizopps for 3-5 days.
11. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The price quoted of \$53,500, consisted of a quantity of 2 each of the MIM Software, which had a quoted price of \$22,500 each. This price has been deemed to be fair and reasonable, since it is \$11,250 less than the \$33,750 each price, that MIM Software charged the VA in Long Beach, CA, for the same Software. (See copy of previous Contract/Order in the Contract File under S23)
12. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Market Research was conducted to determine if the items were considered commercial off the shelf items, and since MIM Software has sold this product in the open market, and to the Government, as evidenced by a previous Order to the VA, the items are deemed commercial items. In addition, a Search was conducted on Google, using the words "MIM Software" and only MIM Software company came up in the search results. In addition,, a Search was conducted on GSA e-Library and GSA Advantage, using the same words and Maestro Software, and no results were found. Searches were also conducted in EPLS; OIG; FDA; SDN; US State, etc., and the company was not found to be debarred or suspended.
13. Any Other Facts Supporting the Use of Other than Full and Open Competition:
None
14. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:
None
15. 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: NA
16. 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.

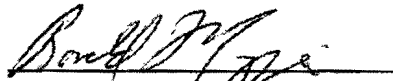

Name: Veronica Gamble
Title: Business manager
Facility: VAPHS

10/4/12
Date

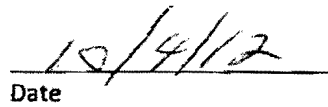
17.

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: Ronald Mazzei
Title: Contract Specialist
Facility: HJ Heinz



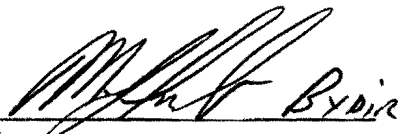
Date

- b. VISN/PCA QA: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name
Title
Facility

Date

- c. NCM/PCM: I certify the justification meets requirements for other than full and open competition.



Name
Network Contract Manager
VISN/PCA X



Date