

**LIMITED SOURCES JUSTIFICATION**

**ORDER >SAT**

**FAR PART 8.405-6**

**Acquisition Plan Action ID:** 36C244-19-AP-4643

**1. Contracting Activity:** Department of Veterans Affairs, VISN 04, Wilkes Barre VA Medical Center  
693-19-4-189-0057

**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:  FSS Contract Number: GS-35F-0408X

Name of Proposed Contractor:     AcuStaf Development Corp

Street Address:                     7900 International Dr.

City, State, Zip:                    Minneapolis, MN 55425

Phone:                                 202-969-4012

**3. Description of Supplies or Services:**

This requirement is for the purchase of AcuStaf Labor Management software. The primary use of the software is scheduling staff, coordinate schedules, capture data, produce reports, and coordinate work assignments to meet patient care needs. This system will accommodate nurse staffing at all sites within Wilkes-Barre VAMC System to include all CBOCS. The staffing software is also capable of being implemented in other services/departments when the need arises.

This software is particular to one manufacturer, AcuStaf Development Corporation. This is a brand name only requirement due to the unique combination of AcuStaf software traits. This would include the ability to interface with VISTA and other VA software architecture.

This requirement includes a Base Year and four Option Years.

The total estimated contract value of this action is ██████████

**(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.**

- An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.
- 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;
- 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.
- Items peculiar to one manufacturer:
  - 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.)
  - These are “direct replacements” parts/components for existing equipment.
  - 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:**

All CLINS are available on AcuStaf's GSA contract, which has been pre-determined to be fair and reasonable. To compete a new type of software inefficient and costly. At that there is no guarantee the new system would be less expensive than the existing system. Lastly, it is reasonable to assume that any new system being installed in the VA would also put us in a sole source situation in the future.

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

A search of VIP was conducted and returned no results. A search of the required items on GSA only returned AcuStaf's (Small Business) GSA contract. A search of SEWP showed two SDVOSB's resellers on SEWP with AcuStaf on their schedule, Four Points and Cynergy. All CLINs identified on SEWP show places of performance other than Pennsylvania. FPDS shows that AcuStaf has supplied the majority of VA contracts for this software, with an SDVOSB fulfilling a small number of contracts for this software.

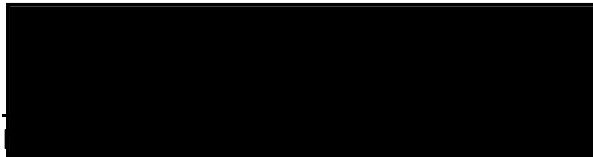
**(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:**

While there are resellers, this requirement is predominantly for software licenses. The Non-Manufacturer Rule requires the VA to procure requirements such as this directly from the OEM when practical. Software and all required CLINS are on an FSS vehicle as well, which is a required source of supply.

**(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:**

A class waiver to the NMR would allow the VA to consider competition among the 2 authorized SDVOSB resellers on SEWP.

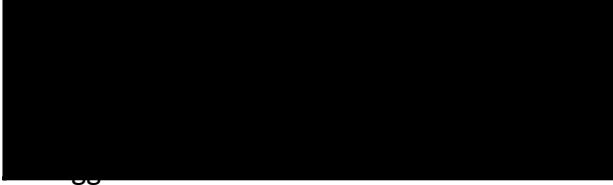
**(9) REQUIREMENTS CERTIFICATION:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge. 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.



Nursing ADPAC, Wilkes Barre VAMC, VISN 4

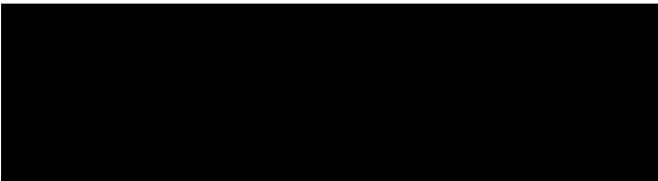
**(10) APPROVALS IN ACCORDANCE WITH THE [VHAPM Part 806.3 OFOC SOP](#):**

**a. CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Branch Chief, Services Team 4, NCO 4

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



Division Chief, Division 1, NCO 4