



DEPARTMENT OF VETERAN AFFAIRS
Office of Acquisition and Logistics
National Acquisition Center
P.O. Box 76
Hines, IL 60141

Justification for an Exception to Fair Opportunity
FAR 16.505(b)(2)(i)(C) – Logical Follow-on

(1) Identification of the agency and the contracting activity.

This Justification for an Exception to Fair Opportunity is on behalf of VISN 1, VAMC Augusta, ME Healthcare system, and will be executed by, the Veterans Affairs National Acquisition Center (NAC) located in Hines, Illinois.

(2) Nature and/or description of the action being approved.

This activity proposes to issue a sole-source delivery orders against Indefinite Quantity contract VA797H-17-D-0022 awarded to Philips for the purchase of a Philips Xcelera Cardiac PACS Upgrade VISN 1, VAMC Augusta, ME Healthcare system.

(3) A description of the supplies or services required to meet the agency's needs, including the estimated value.

Philips Xcelera IntelliSpace Cardiovascular PACS R3.X Upgrade. This upgrade includes hardware and software. The software application is specifically designed to help streamline clinical workflow and improve operational performance across your entire cardiovascular service line. The total estimated value is \$295,951.00.

(4) An identification of the exception to fair opportunity (see 16.505(b) (2)) and the supporting rationale, including a demonstration that the proposed contractor's unique qualification or the nature of the acquisition requires use of the exception cited. If the contracting officer uses the logical follow-on exception, the rationale shall describe why the relationship between the initial order and the follow-on is logical (e.g. in terms of scope, period of performance, or value).

The order will be issued on a sole-source basis in the interest of economy and efficiency as a logical follow-on to delivery order V797B69683, in accordance with FAR 16.505(b)(2)(i)(C). Delivery Order 36A79719N0550 will be awarded under IDIQ contract VA797H-17-D-0022.

Only one awardee can provide the supplies or services to meet the needs of the Government. This equipment/system was previously purchased and deployed not only within VA Maine but across all of VA New England. Philips is the only manufacturer capable of providing this upgrade. This is upgrading proprietary software and hardware which only the original vendor can secure, implement and support.

The follow-on order will be issued on a sole-source basis as only one such awardee can provide the supplies or services required at the level of quality required. The original delivery order was awarded in 2006 and the Philips Xcelera IntelliSpace Cardiovascular

PACS R3.X Upgrade hardware and software are needed for the VAMC to retain the integrity of the existing Philips Xcelera Cardiac PACS systems. No other manufacturer can provide the necessary technology to upgrade the current purchased system with the VA without losing compatibility and functionality of the entire system.

- (5) A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.**

All items are currently on Philip's IDIQ contract VA797H-17-D-0022. The quoted price for each item is at or below the contract price, and pricing has been determined fair and reasonable by a contracting officer at the contract level.

- (6) Any other facts supporting the justification.**

Considering another vendor at this time would require the VA and Federal Government to incur great cost. This would essentially require a complete replacement of the entire system to ensure its functionality as the Philips system is proprietary.

- (7) A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made.**

Future requirements will be handled on a case by case basis and all attempts will be made to provide fair opportunity to all schedule holders.

- (8) The contracting officer's certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.**

By signing this justification, the Contracting Officer hereby certifies that the justifications are accurate and complete to the best of their knowledge.

- (9) Evidence that any supporting data that is the responsibility of the technical or requirements personnel (e.g., verifying the Government's minimum needs or requirements or other rationale for an exception to fair opportunity) and which form a basis for the justification have been certified as complete and accurate by the technical or requirements personnel.**

By signing this justification, the requiring activity hereby certifies that the justifications are accurate and complete to the best of their knowledge.

- (10) A written determination by the approving official that one of the circumstances in (b)(2)(i)(A) through (F) of this section applies to the order.**

Based on the information contained herein, a determination has been made that this requirement meets the exception at FAR 16.505(b)(2)(i)(C) since it is a logical follow-on to an order already issued under the contract. All awardees were given a fair opportunity to be considered for the original order.

CERTIFICATION AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION:

Pursuant to FAR 16.505(b)(2)(ii)(B)(9), I certify that any supporting data that is my responsibility and which forms a basis for the justification is complete and accurate to the best of my knowledge and belief.

Nina N. Warah
VA Healthcare System VAMC Augusta, ME
Facility Biomedical Engineer

Date

CONTRACTING OFFICER CERTIFICATION:

Pursuant to FAR 16.505(b)(2)(ii)(B)(8), I certify that the justification is complete and accurate to the best of my knowledge and belief.

LaTonya L. Whiteside
Contracting Officer
VA National Acquisition Center – Hines
High-Tech Medical Equipment Ordering Division

Date

Monica Mende
VA National Acquisition Center – Hines
Chief, High-Tech Medical Equipment Ordering-B Division

Date