

LIMITED SOURCES JUSTIFICATION

**ORDER >SAT
FAR PART 8.405-6**

Acquisition Plan Action ID: 36C256-19-AP-4073

1. Contracting Activity: Department of Veterans Affairs, VISN 16, Michael E. DeBakey VA Medical Center. Requisition Number: 598-20-1-723-0004

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](#)). Request for Limited Sole Source approval to Intuitive Surgical. This action will be awarded as a new requirement.

Order against: FSS Contract Number: 36C10G-19-D-0092

Name of Proposed Contractor: Intuitive Surgical

Street Address: 1020 Kifer Rd

City, State, Zip: Sunnyvale, CA 94086-5304

Phone: 1 408 523 2344

3. Description of Supplies or Services: Intuitive Surgical will provide all transportation, parts, labor, software, personnel, travel, quarterly calibration, preventive maintenance and inspections services for government Davinci XI equipment located in the VAMC Little Rock Arkansas. The period of performance shall be a 12 month base period with three 12 month option periods.

<u>Description</u>	<u>QTY</u>	<u>Model #</u>	<u>Serial#</u>
<u>Davinci Surgical System</u>	<u>1 (Each)</u>	<u>Davinci Xi</u>	<u>SN# SK2042</u>

The estimated value of the proposed action is Base Year: \$174,000.00

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Option Year 1: \$174,000.00

Option Year 2: \$174,000.00

Option Year 3: \$174,000.00

Total: \$696,000.00

Far Part 8 has already determined the prices of supplies and fixed-price services, and rates for services offered at hourly rates, under schedule contracts to be fair and reasonable. In addition, the Strategic Acquisition Center (SAC) has already concluded fair and reasonable pricing prior to award.

(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. (CHECK ALL THAT APPLY AND COMPLETE)

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.

Intuitive Surgical is the original equipment manufacturer (OEM) providing service to Government equipment. Intuitive Surgical, as the OEM, possesses immediate access to all parts and software necessary to keep the Government equipment operational without the risk of a third-party Contractor trying to obtain OEM parts or software. Intuitive Surgical possesses proprietary data only they can provide.

The Strategic Acquisition Center has awarded a Sole Source Requirement Contract 36C10G-19-D-0092 The unique services required are already awarded under CLIN 0448 for the preventative maintenance for the Intuitive Surgical, DaVinci Robots at the Little Rock VAMC.

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: Intuitive Surgical equipment and software (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.

Intuitive Surgical is the OEM providing service to Government equipment. Intuitive Surgical, as the OEM, possesses immediate access to all parts and software necessary to keep the Government equipment operational without the risk of third-party Contractors trying to obtain OEM parts or software.

(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:

The Strategic Acquisition Center previously awarded a nationwide Department of Veterans Affairs Requirements Contract for procurement and upgrades of the da Vinci Xi Robotic Surgical System, to include accessories, installation, training, proctoring services, annual warranty and maintenance services, in accordance with Statement of Work (SOW). Individual requirements are issued as Firm Fixed Price Delivery/Task orders against this contact. In accordance with FAR 52.216-21.

The Strategic Acquisition Center extended the performance for previously awarded Sole Source Requirement Contract VA119-14-D-0001 to September 30, 2019. Strategic Acquisition Center currently procuring new contract with Intuitive Surgical. Contracting Officer verified with Mr. Zachary Cox at the SAC.

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

The required equipment maintenance services are only available from Intuitive Surgical. Contracting Officer posted 36C25619Q1427 via FBO as Notice of Intent to Sole Source to Intuitive Surgical for the required services. Resulting in zero responses. No SDVOSB/VOSB responded to Notice of Intent. Previous research and procurement have already illustrated Rule of Two can not be met. Further extended Market Research was not conduct by the Contracting Officer, since the Strategic Acquisition Center previously conducted required market research prior to awarding Sole Source Requirement and posting award notice for Intuitive Surgical Inc.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION: None

(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:

Contracting Officer will continue to execute due diligence in seeking contractors with the capability and validation.

(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.

Johnnie D Hollis 393398 Digitally signed by Johnnie D Hollis
393398
Date: 2019.08.29 09:14:30 -05'00'

Johnnie Hollis
ENG Supervisory BMET
Little Rock VAMC

DATE

(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.

Anthony C Marion
131115

Digitally signed by Anthony C
Marion 131115
Date: 2019.08.29 09:20:49 -05'00'

Anthony CP Marion
Contracting Officer
Network Contracting Office 16

DATE

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.

Le Kisha A

Douglas
Le Kisha A. Douglas
Branch 157307

Digitally signed by Le
Kisha A Douglas 157307
Date: 2019.09.04
08:38:37 -05'00'

Network Contracting Office 16

DATE