FedBizOpps

**Award Notice**

**CLASSIFICATION CODE**

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**SUBJECT**

**\***

**CONTRACTING OFFICE'S**

**\***

**ZIP-CODE**

**SOLICITATION NUMBER**

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**BASE NOTICE TYPE**

**ARCHIVE**

**DAYS AFTER THE AWARD DATE**

**RECOVERY ACT FUNDS**

**NAICS CODE**

**\***

**SET-ASIDE**

**CONTRACTING OFFICE**

**ADDRESS**

**DESCRIPTION**

**See Attachment**

**POINT OF CONTACT**

**\***

(POC Information Automatically Filled from

User Profile Unless Entered)

**AWARD NUMBER**

**\***

**AWARD AMOUNT**

**\***

**LINE ITEM NUMBER**

**AWARD DATE (MM-DD-YYYY)**

**\***

**AWARDEE NAME**

**\***

**CONTRACTOR'S DUNS NUMBER**

**AWARDEE ADDRESS LINE 1**

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**AWARDEE ADDRESS LINE 2**

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**AWARDEE ADDRESS LINE 3**

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**AWARDEE ADDRESS LINE 4**

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**AWARDEE CITY**

**AWARDEE STATE**

**AWARDEE ZIP CODE**

**AGENCY'S URL**

**URL DESCRIPTION**

**AGENCY CONTACT'S EMAIL**

**ADDRESS**

**EMAIL DESCRIPTION**

**AWARD INFORMATION**

**ADDITIONAL INFORMATION**

**GENERAL INFORMATION**

**\* = Required Field**

FedBizOpps Award Notice

Rev. March 2010

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TAC-20-56468 MiPACS Support and Maitnenance

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Department of Veterans Affairs

Technology Acquisition Center

23 Christopher Way

Eatontown NJ 07724

NNG15SD22B 36C10B20F0466

$55,029.30 Total value $275,146.50

10-01-2019

FOUR POINTS TECHNOLOGY, L.L.C.

089896737

14900 CONFERENCE CENTER DR STE 100

CHANTILLY

VA

20151

Justification for an Exception to Fair Opportunity

1.  Contracting Activity: Department of Veterans Affairs (VA)

 Office of Procurement Acquisition and Logistics

 Technology Acquisition Center

 23 Christopher Way

 Eatontown, NJ 07724

1. Description of Action: The proposed action is for the issuance of a firm-fixed-price delivery order under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government-wide Acquisition Contract (GWAC) for brand name Medicor Imaging, a Division of LEAD Technologies, Inc., for maintenance and technical support of the Medicor Imaging Picture Archive Communication System (MiPACS) for the following VA Medical facilities:

|  |  |
| --- | --- |
| Facility | Location |
| (515) - Battle Creek VA Medical Center | Battle Creek MI |
| (553) - John D Dingell VAMC | Detroit, MI |
| (552) - Dayton VA Medical Center | Dayton, OH |
| (583) - Richard L. Roudebush VA Medical Center | Indianapolis, IN |
| (605) - Ann Arbor VAMC | Ann Arbor, MI |
| (610) - VA Northern Indiana Health Care System | Fort Wayne, IN |
| (541) - Louis Stokes VAMC | Cleveland, OH |
| (757) - Chalmers P. Wylie VAACC | Columbus, OH |
| (538) - Chillicothe VAMC | Chillicothe, OH |
| (539) - Cincinnati VAMC | Cincinnati, OH |
| (655) - Aleda E. Lutz VAMC | Saginaw, MI |
| (550) – VA Illiana Health Care System | Danville, IL |

1. Description of Supplies or Services: The proposed action is for the acquisition of MiPACS Dental Enterprise System annual maintenance and support for VA, Veterans Health Administration (VHA), for the MiPACS systems currently in use at VA medical facilities where dental procedures are performed. VA requires brand name maintenance on the existing parts, labor, and equipment to support and maintain all software and related equipment for the MiPACS system. Contractor shall provide annual maintenance for MiPACS software including access to new versions, updates and patches to MiPACS components that are released. These maintenance services are necessary for VHA to provide operational and successful support of the MiPACS systems for the existing infrastructure to be able to operate successfully. The period of performance is a 12-month base period with four12-month option periods. The total estimated price is $300,000.00 inclusive of options.
2. Statutory Authority: Pursuant to Federal Acquisition Regulation (FAR) Subpart 16.505(a)(4), the following brand name requirement is being justified and approved as an exception to fair opportunity under the statutory authority of Section 41 U.S.C. 4106(c)(2) as implemented by FAR Subpart 16.505(b)(2)(i)(B), entitled “Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized”.
3. Rationale Supporting Use of Authority Cited: Based on market research, as described in section 8 of this justification, it was determined that limited competition is available among resellers for the required maintenance and support. The VISN 10 organization is based on MiPACS software and hardware that are essential to the interoperability of the systems.  VA requires the renewal of the maintenance packages for continued maintenance service to include parts, labor, equipment, technical support, and maintain all software and equipment for the MiPACS system. In addition, enhancements and feature requests developed by the Original Equipment Manufacturer (OEM). MiPACS software is a proprietary product; therefore, only MiPACS or a reseller can provide the necessary software updates, because of the proprietary source code required to develop and implement software updates. Medicor does not authorize third party vendors to work on their solution. No other vendor has access to the proprietary source code to issue updates and releases to the existing software. No other source is capable of providing the required maintenance that meets VA's functional requirements. Failure to maintain the existing software and equipment will be detrimental to the operability of the existing infrastructure. Without the support and maintenance, a risk to veterans may occur by delaying dental care if failure, bugs, or other issues occur with the MiPACS. Brand name MiPACS maintenance is the only maintenance that meets the Government's requirements and Medicor does not allow other third-party vendors to maintain their solution.
4. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. However, the undersigned VA technical representative determined that limited competition is available among authorized resellers for brand name MiPACS software maintenance and support. In accordance with FAR 16.505(a)(4)(iii)(A)(1), this justification will be provided with the solicitation to all appropriate NASA SEWP V GWAC holders. Furthermore, in accordance with FAR 5.301, 16.505(b)(2)(ii)(D), and 16.505(a)(4)(iii), the award notice for this action will be synopsized on the Federal Business Opportunities website and this justification will be made publicly available within 14 days of award as the total contract value is expected to exceed the simplified acquisition threshold.
5. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.
6. Market Research: The Government's technical experts conducted market research during April 2019 and at present there is no other software maintenance available in the market place with the same functionality that can readily integrate with the existing infrastructure to replace the MiPACS software currently in use. Although similar products such as PaxeraDental and INFINITT possess similar capabilities to provide the required software support maintenance, only Medicor has access to the proprietary source code, existing proprietary database structures, protocols, and software application programming interfaces specific to the software support maintenance for this particular software. Without access to the proprietary source code, existing proprietary database structures, protocols, and software application programming interfaces, software support maintenance and any updates or upgrades cannot be installed, which could result in the MiPACS infrastructure functioning with an outdated and/or unsupportable software version. This would provide less functionality to the end users or system failure. VA networking Subject Matter Experts regularly review industry trade publications and conduct internet research to ascertain if any other software maintenance and upgrades are available for the proprietary Medicor software and hardware. Based on all of these market research efforts, the Government's technical experts have determined that only the aforementioned Medicor brand name maintenance and support can meet all of the Government's needs.

Based on the market research conducted by the Government's technical experts, it was determined that no other brand of maintenance and support can meet the Government's requirements due to the need to access the source code and other proprietary data of the MiPACS software to perform the maintenance support services. Unauthorized software providers do not have access to the proprietary data of the software to be able to provide troubleshooting, upgrades and updates, point releases, service releases and security releases. Only MiPACS or its resellers have access to the source code of the software to provide the necessary support.

The Technology Acquisition Center conducted market research in August 2019 through the use of the Provider Lookup Tool on the NASA SEWP V GWAC web site and posted a Request for Information (RFI). The research revealed that there are multiple resellers of brand name MiPACS maintenance and support including multiple verified Service-Disabled Veteran-Owned Small Businesses (SDVOSB) within Group B(2). Additionally, NASA SEWP V has a dynamic catalog where line items can be added based on customer requests; therefore, as long as the required item or service is within scope of the NASA SEWP V contracts, items and services can be added to the catalog on a daily basis. Therefore, based on the results of the market research, there is reasonable expectation that sufficient competition exists among SDVOSBs in Group B.

1. Other Facts: None
2. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

Ryan Knight Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Program Manager Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Fair and Reasonable Cost Determination:  I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on anticipated competition and discounts among NASA SEWP V GWAC holders. Additionally, NASA SEWP has determined that all catalog prices on its GWAC are fair and reasonable. Additional price analysis may be performed in accordance with FAR 15.404-1(b).

Debra G. Clayton Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Procuring Contracting Officer Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Procuring Contracting Officer Certification:  I certify that this justification is accurate and complete to the best of my knowledge and belief. As this action does not exceed $700,000.00, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

Debra G. Clayton Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Procuring Contracting Officer Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_