

JUSTIFICATION AND APPROVAL  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, New Jersey 07724
2. Description of Action: This proposed action is for a firm-fixed-price (FFP) delivery order (DO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) in support of VA Office of Information Technology (OIT), Bay Pines VA Medical Center (VAMC). The contractor shall provide Hewlett-Packard (HP) brand name hardware and support to conduct an on-site Tier 1 Vista Imaging Storage system installation, configuration, migration, and knowledge transfer. The period of performance is 45 days from date of award for installation, configuration, migration and knowledge transfer and three (3) years for warranty and support.
3. Description of Supplies or Services: The proposed action is to expand the current Vista Imaging storage system at Bay Pines VAMC. VA requires approved HP hardware and support for Vista Imaging Based Tier 1 Storage system with a minimum of 155 Terabytes usable storage, one HP Tape backup Library with two Linear Tape-Open (LTO) - four Drives, and an additional Vista Imaging Gateway rack with a minimum of 15 Vista Imaging HP DL360 Digital Imaging and Communications in Medicine (DICOM) Gateway servers. The contractor shall complete the installation and configuration of the Tier 1 storage system, Backup solution and DICOM gateways in accordance with the approved Food and Drug Administration (FDA) 510K configuration for Vista Imaging. Additionally, the contractor shall complete migration of Vista Imaging Tier 1 Data from the existing solution to the new solution provided at the Bay Pines VAMC. The total estimated price of proposed action is [REDACTED].
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by the Federal Acquisition Regulation (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".
5. Rationale Supporting Use of Authority Cited Above: Based on market research, as described in paragraph 8 of this document, it was determined that limited competition is available for the aforementioned brand name. The Bay Pines VAMC and all supported entities are dependent on the use of existing HP hardware for Vista Imaging, which is direct patient care. Vista Imaging stores images and ties them to the patient records which physicians and specialists must access to provide care. The FDA has classified the Vista Imaging solution as a Class I exempt medical device, and the use of Vista Imaging in a clinical setting is subject to the Quality System Regulation of the FDA under Code of Federal Regulations (CFR) Title 21 Part 820 and other Federal legislation. As an FDA Regulated medical device, Vista Imaging requires approved

hardware and software configurations. HP is currently the only solution which can meet VA's needs for both Tier 1 storage and DICOM Gateway Servers requirements. Failure to obtain the necessary HP VistA Imaging system hardware and installation services in order to increase storage capacity may limit clinician access to patient records. Failures can result in incomplete medical records which directly affects clinical decision-making and patient care outcome. Due to the critical nature of the patient care records that rely on the HP Vista Imaging solution, only HP or resellers of HP Vista Imaging certified services can meet VA's need.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. This effort did not yield any additional sources that can meet the Government's requirements. There is limited competition anticipated for this acquisition. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

7. 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. The Vista Imaging Program office works with vendors that are interested in providing Vista Imaging Hardware in accordance with the FDA 510(K) regulated medical devices process.

8. Market Research: The Government's technical experts conducted market research by contacting the VA Vista Imaging Program Office FDA Compliance Officer and the VA Vista Imaging Program Manager on September 1, 2012, to find out if HP Direct was still the only Vendor with an approved Tier 1 Storage solution for Vista Imaging. The government technical expert was informed that Dell had an approved solution that used EMC storage however, it is no longer offered as it is end-of-life. HP is currently the only authorized provider of Vista Imaging system hardware and support. Furthermore, the HP Vista Imaging Sales representative was contacted to determine if HP could meet VA's requirement. Based on the information provided on September 10, 2012, it was determined that HP could meet VA's requirements. In addition, on October 10, 2012, the Contract Specialist conducted a product search utilizing the NASA SEWP Product Verification tool. The search revealed that there are authorized HP resellers of required products on Groups A, B, C, and D. Additionally, VA networking Subject Matter Experts regularly review industry trade publications and conduct internet research to ascertain if any other brand name hardware or software is available. Based on the aforementioned market research efforts, the Government's technical experts have determined that only HP can meet the requirements of this procurement.

9. Other Facts: None.

10. 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.

Tracy Bumgarner  
Region 3

Date: 10/11/2012

Business Critical Systems Division Chief

Tracy S.  
Bumgarner

Signature: 156076

Digitally signed by Tracy S. Bumgarner  
156076  
DN: dc=gov, dc=va, o=internal, ou=people,  
0.9.23.42.19200300.100.1.1=tracy.bumgarner@va.gov, cn=Tracy S. Bumgarner 156076  
Date: 2012.10.11 11:49:41 -0400

11. 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 Contracts awarded on NASA SEWP IV GWAC have already been determined to be fair and reasonable. Furthermore, the successful quote will be compared to the Independent Government Cost Estimate.

Anne Marie Vasconcelos

Date: 10/12/2012

Procuring Contracting Officer

Signature: Anne Marie Vasconcelos

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$650,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

Anne Marie Vasconcelos

Date: 10-12-2012

Procuring Contracting Officer

Signature: Anne Marie Vasconcelos