

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. Contracting Activity: Department of Veterans Affairs, Network Contracting Office 15, Kansas City Veterans Affairs Medical Center, 4801 E. Linwood Blvd, Kansas City, MO 64128.

The Kansas City Veterans Affairs Medical Center has requested to purchase of a contractual agreement with Varian Medical Systems, Trilogy Silhouette Linear Accelerator, located at the Radiation Oncology department in Overland Park, MO. The 2237 Contract request number is 589-13-3-1837-0077.

2. Nature and/or Description of the Action Being Processed:

Procurement of a labor and materials to perform on-site maintenance services for the Varian Medical Systems, Trilogy Silhouette Linear Accelerator, including sub-systems. Located at the VA Medical Center, Radiation Oncology Center, Overland Park, KS. This is a shared agreement coverage that requires in-house personnel to take first call. Services shall be performed in accordance with the terms and conditions contained herein. The VA intends to award a fixed price contract for a base period of one year with option to extend two (2) additional years. This will be a firm-fixed price contract.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

This service is for the procurement of a Premier Assurance Essentials Agreement with the Varian Medical Systems, Trilogy Silhouette Linear Accelerator. The KC VAMC request is needed to maintain the proprietary system in fully functional manner by providing the services spelled out in document known as the "Premier Assurance Essentials Agreement". It is the only room with a Varian Medical Systems, Trilogy Silhouette Linear Accelerator.

Contractor will provide all supervision, personnel, equipment, transportation, material and other items and services necessary to provide maintenance (scheduled and emergency) for Varian Medical Systems, Trilogy Silhouette Linear Accelerator including sub-systems:

H073633-CT, Cone Beam CT,

H083633-OBI, On Board Imaging

H090942-SRS/SRT, SRS/SRT Option

H140942-CLINAC, Clinac IXS Trilogy

H504678-GATING, RPM Gating

H515994-TREAT, Treat System

H546025-MLC, MLC MILL

H813785-PORTALV, Portal Vision

HRD1162-RARCDEL, Rapid Arc Delivery

H982072-ARGUS, Argus

Total estimated cost for these services is Base Year \$265,476.00. Total Base Plus Two Option Years \$796,428.00.

Base Year plus Two Option Years, Period of Performance will be from May 16, 2013 thru May 15, 2016.

4. Statutory Authority Permitting Other than Full and Open Competition:

- (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- (2) Unusual and Compelling Urgency per FAR 6.302-2;
- (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- (4) International Agreement per FAR 6.302-4;
- (5) Authorized or Required by Statute FAR 6.302-5;
- (6) National Security per FAR 6.302-6;
- (7) Public Interest per FAR 6.302-7;

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1; Varian Medical Systems, INC. holds the proprietary rights to the highly specialized equipment. Following repair, the Varian Medical Systems, INC. trained technician must access the operating software on the Trilogy Silhouette Linear Accelerator Unit to calibrate the newly installed parts.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

Only one responsible sources: 10 USC 2304(c) (1). No other vendor provides this service.

- Varian Medical Systems holds the proprietary rights to the system known as the "Trilogy Silhouette Linear Accelerator". The Trilogy Silhouette Linear Accelerator, unit must be calibrated with the appropriate proprietary software interface before being put back into service. Following repair, the Varian Medical Systems trained technician must access the operating software on the Trilogy Silhouette Linear Accelerator unit to calibrate the newly installed parts if any.
- FPDS search results identified one vendor (Varian Medical Systems) that could provide the service requested by the customer.
- A Google search located only one company (Varian Medical Systems) that could provide the Repair services on the Trilogy Silhouette Linear Accelerator, unit requested by the Kansas City VA Medical Center.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The estimated amount of this acquisition is \$265,476.00 for the base year and \$796,428.00 for base year plus two option years. In accordance with FAR Subpart 15.404-1(b) the following price analysis techniques and procedures will be utilized to ensure a fair and reasonable price.

- a. Comparison of previously proposed prices and previous Government and commercial contract prices for the same or similar items. The average cost for previous Government purchases for the same or similar items was \$188,599.02 for a one year contract on a similar system.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

- A search of the National Acquisition Center (NAC) Contract Catalog produced no results. No mandatory use contracts IAW FAR 8.002 and VAAR 808.002 "Priorities for use of Government supply sources" were found that could perform/supply the requested task.
- A search on www.gsa.gov for vendor's that could perform/supply the requested repair service on Federal Supply Schedules (FSS). There were no vendors on GSA/FSS that could provide the task being requested.
- A search of the VetBiz.gov Registry website Using NAICS code 334517 with the keywords "Premier" and "Assurance" yielded no vendors. A search of the SBA Dynamic Small Business Search tool: Using NAICS code 334517 with the keywords "Premier" and "Assurance" yielded 7 vendors; however none could perform the task requested
- FPDS search results identified two vendor's but only one (Varian Medical Systems) could provide the service requested by the customer.
- A Google search located only one company (Varian Medical Systems) that could provide the services on the Trilogy Silhouette Linear Accelerator Unit requested by the Kansas City VA Medical Center.

Due to the proprietary nature of this procurement no other vendor can meet the requirements.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

There are no other factors supporting the use of other than full and open competition.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

See Section VI above.

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required

This is a unique service, and only Varian Medical Systems, Inc. can fulfill the requirement requested.

12. 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 and belief.

Name  Date 5-9-13

Terrence Gates
BESS
Kansas City VA Medical Center

13. Approvals in accordance with FAR 6.304

- a. Contracting Officer's Certification: (required) I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name  Date 5-9-13

Frank Novello
CONTRACT SPECIALIST
NETWORK 15 CONTRACTING OFFICE

- b. NCM/PCM: I certify the justification meets requirements for other than full and open competition.

Name Christine L. Scena Date 5-13-2013

CHRISTINE L. SCENA
NETWORK CONTRACT MANAGER
NETWORK 15 CONTRACTING OFFICE