# JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

The following is pursuant to the authority of 41 U.S.C. 4106(c)(2) as implemented in Revolutionary FAR Overhaul (RFO) 16.507-6(b)(2) – Only One Capable Awardee

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

This Justification for an Exception to the Fair Opportunity process is being conducted on behalf of the Little Rock, AR Veterans Affairs Medical Center (VAMC). The Delivery Order will be executed by the Department of Veterans Affairs, Enterprise Procurement Office (EPO), Acquisition Service 7 (NCS), High Tech Medical Equipment (HTME) Post Awards, Picture Archiving and Communication System (PACS) and Laundry Division.

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

Authorization to use an Exception to the Fair Opportunity process as Change Healthcare Technologies, LLC is the only one capable awardee of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized. A Delivery Order will be issued under the terms and conditions of the Defense Logistics Agency (DLA) awarded contract SPE2D1-18-D-0006 to Change Healthcare Technologies, LLC

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

The Delivery Order is for an upgrade of the Change Healthcare Cardiology Picture Archiving and Communication System (CPACS) from version 13.1.2 to version 15.x, replace the existing dedicated workstations, and migrate data from physical servers to virtual ones provided by the VAMC.

The purchase includes hardware, software, and services.

The total value is $420,939.23.

## 4) An identification of the exception to fair opportunity (See, RFO 16.507-6) 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).

RFO 16.507-6(b)(2) – Only one capable awardee can provide the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

Currently, the Little Rock, AR Veterans Affairs Medical Center (VAMC) is utilizing Change Healthcare CPACS version 13.1.2 which was procured during fiscal year 2013. As of the writing of this, the VA Technical Reference Model (TRM) version 26.1 only lists Change Healthcare CPACS version 15.x as the only version approved to be installed on VA systems.

Change Healthcare Technologies, LLC is the only vendor who can perform the software maintenance and support; enabling the system to continue meeting the software build specifications, per Change Healthcare Technologies, LLC's PACS U.S. Food and Drug Administration (FDA) clearance. Change Healthcare Technologies, LLC trained personnel deploy all software updates and upgrades. Software revisions, testing and support are all maintained in accordance with FDA regulations to which Change Healthcare Technologies, LLC adheres. Only personnel trained by Change Healthcare Technologies, LLC to support and maintain the PACS software may perform maintenance and support. Additionally, Change Healthcare Technologies, LLC and its affiliates abroad are the only entities capable of owning trade information regarding their PACS software.

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

The Defense Logistics Agency (DLA) has negotiated fair and reasonable prices and determined the prices awarded under contract SPE2D1-18-D-0006 to be fair and reasonable; thus, a separate determination of fair and reasonable pricing is not required. The Contracting Officer has conducted a price evaluation to ensure that the quoted prices are equal to or less than the contract price. By placing an order against SPE2D1-18-D-0006 it is to be concluded that the Delivery Order represents best value in meeting the Government's needs.

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

CPACS are computer-based medical systems dedicated to storage, retrieval, distribution, and presentation of images. The medical images are stored in an independent format, the most common format for image storage is Digital Imaging and Communications in Medicine (DICOM).

Upgrading to the newest version of the Change Healthcare CPACS allows for the preservation of historical patient records and seamless deployment of enhanced features such as browser-based access, advanced analytics, strengthened security protocols, and pediatric modules that meet evolving clinical and regulatory needs. The complexities of data migration, re-training costs, and the loss of interoperability with connect applications would risk significant disruptions to patient care.

**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.**

Every requirement is unique and costs/benefit assessment for competition will be made on a case-by-case basis.

**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 justification

is accurate and complete to the best of their knowledge. The technical information contained in the quote was reviewed and certified by the facility Biomedical Engineer, [redacted].

**9) Evidence that any supporting data that is the responsibility of the technical or Requirement's 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 Contracting Officer hereby certifies that the justification is accurate and complete to the best of their knowledge.

**10) A written determination by the approving official that one of the circumstances in RFO 16.507-6(b)(2) applies to the order.**

Based on the information contained herein, a determination has been made that this requirement meets the exception at RFO 16.507-6(b)(2) – Only one capable awardee can provide the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

## CERTIFICATION AND APPROVALS:

### TECHNICAL/REQUIREMENTS CERTIFICATION

Pursuant to RFO 16.507-6(d)(2)(ix), I certify that the justification is complete and accurate to the best of my knowledge and belief.

[redacted]

Biomedical Engineer
Little Rock VAMC

### CONTRACTING OFFICER CERTIFICATION

Pursuant to RFO 16.507-6(d)(2)(viii), I certify that the justification is complete and accurate to the best of my knowledge and belief.

[redacted]

Contracting Officer
HTME Post Award, PACS & Laundry Division