

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

**1. Contracting Activity:**

Veteran Health Administration (VHA)  
Service Area Office (SAO) - East  
323 North Shore Drive, Suite 500  
Pittsburgh, PA 15212

**Requiring Activity:**

Atlanta VA Medical Center  
1670 Clairmont Rd  
Decatur, GA 30033

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

2237 Number: 508-14-3-4103-0286

This is a request for Other Than Full and Open Competition for a Firm Fixed Price Contract for an electronic participant survey platform and customized daily sleep survey/electronic journal for use with Veterans and their family caregivers in accordance with FAR 6.302-1.

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

Daily sleep and activity journals provide data necessary for the development of non-pharmacological interventions provided by the Improving Sleep in Veterans and their Family Caregivers Sleep Evaluation & Enhancement Psycho-Educational Interventions for Dyads (SLEEP-E Dyads) project. These interventions, outlined in the study protocol, are intended to improve sleep in Veteran/caregiver care-partners. Daily falls journals provide data necessary for the assessment of a hands-on skills training intervention provided by the Evaluating CG ASSIST Program for Caregiving Dyads program. This intervention, outlined in the study protocol, is intended to improve the safety and efficiency of transfer tasks in Veteran/caregiver care-partners. Falls must be registered to monitor the safety of the hands-on training intervention.

The Contractor shall provide an electronic participant survey platform and customized daily sleep survey/electronic journal for (1) the Improving Sleep in Veterans and their Family Caregivers Sleep Evaluation & Enhancement Psycho-Educational Interventions for Dyads (SLEEP-E Dyads) project and (2) the Evaluating the CG ASSIST Program for Caregiving Dyads project. The SLEEP-E Dyads project is a CDA2 funded program meant to develop and field test non-pharmacological interventions to improve sleep in Veteran/caregiver dyads. The CG ASSIST project is a Merit Award funded program

to develop and test hand-on training and equipment to assist with transfer tasks. To develop these interventions the study protocols delineates that a HIPAA compliant survey platform will be used to collect daily electronic sleep diaries on an electronic tablet for the SLEEP-E Dyads and to collect daily electronic fall diaries for the CG ASSIST project.

To achieve these objectives, the Contractor will provide access to a fully customizable survey builder, will provide training in use of the survey builder, and will develop a patient survey with high patient engagement, with real time screening. The contractor will train study staff members on various survey platform capabilities, methods of implementation of questionnaire, functionality changes as required by the project coordinator for project compliance and usability, and exporting data.

For use within the VA medical center, these tablets must be HIPAA compliant, easily portable, and fully customizable with live patient screening for safety purposes (monitoring falls). Tonic Health is Tonic Solutions' software application that provides all of these services in addition to providing an engaging platform that will encourage Veteran/caregiver cooperation in completing the extensive daily sleep survey and activity journal. All data transmitted by Tonic Health will be de-identified and all devices that run this software will be wiped in the event of unlawful seizure. Tonic Health protects data and maintains HIPAA compliance by incorporating 256-bit SSL encryption, and does not store any data on mobile devices. Per VHA regulations, all data collected will be stored indefinitely at a VA approved storage facility pending study completion.

**Estimates:**

<b><u>Period</u></b>	<b><u>Est. Dates</u></b>	<b><u>Est. Value (both studies)</u></b>
Base Period:	09/30/14 – 09/29/15	
Option Year I:	09/30/15 – 09/29/16	
Option Year II:	09/30/16 – 09/29/17	
Option Year III:	09/30/17 – 09/29/18	
<u>Option Year IV:</u>	<u>09/30/18 – 09/29/19</u>	
Total Est. Value:		\$160,000

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

**(X) (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):**

Tonic Solutions is the only vendor capable of providing Tonic Health software due to their proprietary ownership of the software. The Atlanta VAMC Research Department is currently using the Tonic platform for other related studies. Therefore, the software for this requirement needs to be compatible. Tonic Solutions has confirmed that their software is 100% proprietary and no other company would be able to use or communicate with their platform. If another vendor were awarded this contract, they would not be able to insert data into the Tonic database. Tonic only allows customers, such as the Atlanta VAMC Research staff, to access the platform. The platform for this requirement must be compatible with the platform used on the related studies. Due to the proprietary software, no other vendor will be compatible with the Tonic platform. The Government must award this contract to Tonic Solutions for research continuity, data integrity, and compatibility purposes. A letter from Tonic Solutions explaining their proprietary software has been documented in the contract file.

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

A Sources Sought notice was posted to FBO on 05/29/14 and closed on 06/05/14. We did receive responses from \_\_\_\_\_ companies. These companies were \_\_\_\_\_

All companies stated that they believed they could meet the requirement. However, after the sources sought notice was posted, the Contracting Office was made aware that Tonic Solutions' platform is currently being used by the Atlanta VAMC for other related studies and the platform for these new studies would need to be compatible for data integrity. Tonic Solutions' platform is a closed, 100% proprietary platform. Tonic does not allow any other company to use, communicate with, or re-sell any part of their platform. No other company's platform would be able to insert data into Tonic's platform, as they do not allow platform access to anyone besides end-user customers, such as the Atlanta VAMC research office. Therefore, for research continuity and data integrity and compatibility purposes, Tonic Solutions is the only vendor capable of satisfying this requirement.

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

The estimated price from the Independent Government Cost Estimate (IGCE) for each study, which

Proposed prices will be compared against the IGCE. The Contracting Officer will determine price as fair and reasonable prior to award and also upon any option periods being exercised.

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

Please see number 6 above. A sources sought notice was posted to FBO on 05/29/14 and closed on 06/05/14. We received responses from 1. After the sources sought notice closed, the program office informed the Contracting Office that Tonic's platform is currently being used for other related studies at Atlanta VAMC, and that the platform for this requirement must be compatible and communicate with Tonic's platform for research continuity and data integrity. For this reason, the Government must continue with a sole source award to Tonic Solutions.

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

Tonic's platform software is already being used on other related projects at Atlanta VAMC. Switching to another platform would interfere with the consistency of data collection and output and would be a substantial duplication of costs, as the other related studies would also need to switch platforms for compatibility. Due to the Atlanta VAMC research staff already using the Tonic platform for other studies, time needed for training will be significantly reduced.

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

**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:**

The Atlanta VAMC Research Office is now aware that there are several vendors capable of providing similar services. For research continuity and data integrity, this requirement must be awarded as a sole source contract to Tonic Solutions. However, the Atlanta VAMC Research Office is aware that there are other capable vendors for future acquisitions of a similar nature that do not require the research continuity, data integrity, and data compatibility.

**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.

\_\_\_\_\_

\_\_\_\_\_  
Date:

**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.

\_\_\_\_\_

\_\_\_\_\_  
Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_

\_\_\_\_\_  
Date