

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)

1. **Contracting Activity:** Department of Veterans Affairs, VHA, SAO EAST, NCO 7, Ralph H. Johnson VA Medical Center, 109 Bee Street, Charleston, SC 29401

Justification for Other Than Full and Open Competition for purchase request VA2237 #: 534-15-1-783-0001.

2. **Nature and/or Description of the Action Being Processed:** This procurement is for a new, firm fixed price contract for additional Vocera Badges, Training, and associated Software and Services for the Ralph H. Johnson VA Medical Center to support increased application, implementation, and expanding use of the existing Vocera wireless communication system, purchased in 2011, in accordance with FAR 13.5 Test Program for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2. This procurement will be solicited, Open Market, as a 100% SDVOSB Set-Aside for Exact Match, Vocera Brand Name products, software, and services.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Ralph H. Johnson VA Medical Center (RHJVAMC) purchased the existing Vocera wireless communication system in 2011 under RHJVAMC Obligation # [REDACTED]. The RHJVAMC requires the deployment of 600 additional Vocera Badges, training, and associated software and services to support the increased application implementation and expanding use of the Vocera wireless communication system. Vocera utilizes at least two authorized Service Disabled Veteran Owned Small Business (SDVOSB) vendors to contract with the Government. Government Marketing and Procurement LLC (SDVOSB) is the sole and exclusive FSS Schedule holder selling Vocera with contract #: GS-35F-0858N. Alvarez & Associates (SDVOSB) is Vocera's authorized supplier of Vocera's products and services on NASA SEWP. The 2011 items were purchased utilizing Government Marketing and Procurement LLC GSA FSS Contract: GS-35F-0858N. Market research has demonstrated two CVE Certified SDVOSB contractors capable of offering this requirement under two different VA Mandatory Sources – GSA and NASA SEWP. Vocera, itself, is a Small Business. Accordingly, under the "Rule of Two" in FAR 19.502-2(b) the Solicitation will be issued Open Market as a 100% SDVOSB Set-Aside, since there are at least two (2) SDVOSB vendors, who will not violate the Non-Manufacturer Rule. In addition, an Open Market Solicitation will create an environment where the two identified SDVOSBs will be able to compete against each other and other SDVOSBs to better ensure a fair and reasonable price for the Government.

The estimated period of performance is (twelve) 12 months with zero options.

The total estimated value is [REDACTED] including zero options, based on hospital requirements, the IGCE, Government Marketing and Procurement LLC's FSS GSA Schedule publicized price list on GS-35F-0858N and GSA Advantage, and RHJVAMC acquisition history, including the 2011 RHJVAMC Obligation #: [REDACTED]

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(1), as implemented by FAR 6.302-1.

(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;

FAR13.5 Test Program: The authority for applying the Commercial Test Program of FAR 13.5 is (Section 4202 of the Clinger-Cohen Act of 1996) and is implemented by restricting competition on this procurement via FAR 13.106-1(b)(2).

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** In accordance with FAR 6.302-1, an acquisition that uses a brand name description or other purchase description to specify a particular brand name, product, or feature of a product, peculiar to one manufacturer does not provide for full and open competition regardless of the number of sources solicited. The only Brand Name responsible, peculiar to one manufacturer, capable of providing the hardware, software and services to satisfy Agency requirements for highly specialized equipment, software and services to support the increased application implementation and expanding use of the proprietary, highly technical, Vocera Wireless Communication System is Vocera. No Other Brand Name will satisfy Agency requirements. The required Vocera Brand Name products, software, and services are essential to the Government's requirements to update and expand the use of the existing Vocera Wireless Communication Systems purchased by the RHJVAMC in 2011. Vocera Communications develops proprietary intelligent system software and the industry's only hands-free, wearable communications badges. The Vocera system has the unique capability to communicate with individuals as well as groups. Vocera gives RHJVAMC staff, in each department, instant access to the information and resources they need – thus enabling higher productivity and faster, better decision-making. Communication and workflow Improvements via Vocera have a far-reaching impact and a substantial ROI in the areas that matter most to the Government. The additional Vocera units are required to support increased application implementation and expanding use of the existing VOCERA wireless communication system, purchased in 2011. The additional Vocera wireless systems are to be used for continued support of the RHJVAMC Vocera to Nurse Call Integrated Life Safety System to ensure continued improvement of patient satisfaction, safety, and direct access to care. The Vocera devices are integrated with the Nurse Call and the Posey Fall Alert Device Systems as key components of RHJVAMC facility- wide fall prevention program implementation, designed to decrease falls and injury from falls for improved patient safety within the inpatient units and the Community Living Center. The Vocera software is integrated with the Roam Alert Wander Guard System as an instant staff warning device, a design in, as a method of shortened response time in reaching residents in danger of wandering off. This integration of Vocera software provides instantaneous alert to RHJVAMC staff, via the Vocera Badge, if a resident patient should wander off. Through this early warning the Vocera products and software provide an increase in patient safety. Current and potential RHJVAMC shortages of available Vocera communication devices for staff use, negatively affect the use and overall effectiveness of the Vocera Communication System throughout the RHJVAMC facility. The RHJVAMC has already completed the Vocera to Nurse Call integration, resulting in RHJVAMC patients benefitting from reduced response times. Thus, Vocera device shortages represent a significant patient safety risk. The RHJVAMC requires the deployment of 600 additional Vocera Badges, training, and associated software and services to replace outdated Vocera Badges and for distribution of new Vocera Badges. The new Vocera Badges will be immediately disbursed to the RHJVAMC Inpatient and ACC units to mitigate the Vocera device shortages and to ensure adequate coverage for RHJVAMC patients. The remaining Vocera Badges are needed in

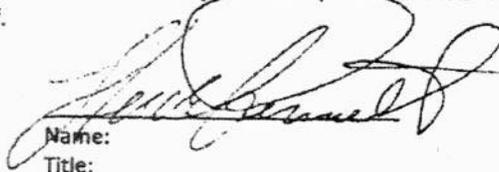
support of the RHJVAMC's growth and expanded use of the Vocera Wireless Communication System outside the facility's inpatient areas by critical ancillary support staff to include: SPS; Health Administrative Services; Mental Health Food Service Management; Diabetes and Wound Care Staff; Clinical Nurse Specialists; Pharmacy; ED; GU Clinic; AOD; Biomed; Environmental; Radiology; and Pharmacy. The requested Brand Name, Vocera hardware, software, and services are necessary to ensure the support of the patient life safety system, to continue patient satisfaction improvement, and to meet RHJVAMC requirements for expanded Vocera Wireless Communication System use. For purposes of consistency and the RHJVAMC's requirements, utilizing any other Brand Name to provide the equipment, and software and to perform these services is not feasible or practical. The required hardware, software, and services must be Vocera Brand Name. Vocera utilizes at least two authorized Service Disabled Veteran Owned Small Business (SDVOSB) vendors to contract with the Government. Government Marketing and Procurement LLC (SDVOSB) is the sole and exclusive FSS Schedule holder selling Vocera with contract #: GS-35F-0858N. Alvarez & Associates (SDVOSB) is Vocera's authorized supplier of Vocera's products and services on NASA SEWP. Accordingly, Vocera, through its authorized distributors, is the only entity capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** There are at least two known Vocera authorized Service Disabled Veteran Owned Businesses (SDVOSBs) who can provide the required Vocera Brand Name products, software and services. According to Vocera, the company utilizes at least two authorized Service Disabled Veteran Owned Small Business (SDVOSB) vendors to contract with the Government. Government Marketing and Procurement LLC (SDVOSB) is the sole and exclusive GSA FSS Schedule holder selling Vocera products and services, with contract #: GS-35F-0858N. Alvarez & Associates (SDVOSB) is Vocera's authorized supplier of Vocera's products and services on NASA SEWP. Vocera provided two official letters on September 2, 2014 stating that Government Marketing and Procurement LLC is "Vocera's sole and exclusive GSA distribution channel," while Alvarez & Associates is "Vocera's NASA SEWP distribution channel." Accordingly, this procurement will be solicited, Open Market, as a 100% SDVOSB Set-Aside for Exact Match, Vocera Brand Name products, software, and services.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** In accordance with FAR 13.106-3(a)(2)(i),(iii), (vi) & (vii), the total estimated cost of the Brand Name Vocera products, software and services is [REDACTED]. The Contracting Officer has determined that the anticipated cost to the Government will be fair and reasonable based on Market Research identifying at least two authorized SDVOSB Vocera vendors, the suggested vendor's FSS GSA Schedule publicized price list on GS-35F-0858N and GSA Advantage, previous prices paid, including under the most recent RHJVAMC PO Obligation #: [REDACTED] and the proposed price being identical to the Independent Government Estimate provided by RHJVAMC Vocera Clinical Lead and Technical Exp [REDACTED].
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research, in accordance with FAR Part 10, was conducted using SBA's Dynamic Small Business Search and Vetbiz VIP's search tool using NAICS 541519 OTHER COMPUTER RELATED SERVICES, GSA Advantage, GSA e-Library, NASA SEWP, and VA NAC MedSurg Catalog. SBA Dynamic Small Business produced over 17,780 potential vendors under NAICS 541519. Vetbiz search produced 1,159 potential vendors under NAICS 541519. Thus, a search of Federal Supply Schedules on GSA and NASA SEWP were conducted to determine if the requested items were under VA Mandatory and Priority Source contracts. The mandatory sources available on GSA, NASA SEWP, and the NAC VA Federal Supply Schedules were reviewed in addition to examining the acquisition history and experience with the marketplace. GSA Advantage, GSA e-Library, NASA SEWP, and the VA NAC MedSurg Catalog were used to determine sellers of Vocera products and services, and it has been determined that there are at least two (2) SDVOSBs capable of responding

to the specific requirement. Market research identified Government Marketing and Procurement LLC, an SDVOSB, as the sole and exclusive GSA FSS Schedule holder (GS-35F-0858N) selling the requested Vocera products and services. In addition, Vocera provided an official letter on September 2, 2014 stating that Government Marketing and Procurement LLC is "Vocera's sole and exclusive GSA distribution channel." Market research, including an official letter from Vocera dated, September 2, 2014 has identified Alvarez & Associates, an SDVOSB, as "Vocera's NASA SEWP distribution channel." Market research has demonstrated two CVE Certified SDVOSB contractors capable of offering this requirement under two different VA Mandatory Sources – GSA and NASA SEWP. Vocera, itself, is a Small Business. Accordingly, under the "Rule of Two" in FAR 19.502-2(b) the Contracting Officer suggest the Solicitation be issued Open Market as a 100% SDVOSB Set-Aside since there are at least two (2) SDVOSB vendors who will not violate the Non-Manufacturer Rule. In addition, an Open Market Solicitation will create an environment where the two identified SDVOSBs will be able to create against each other and other SDVOSBs to better ensure a fair and reasonable price for the Government.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The required Vocera Brand Name products, software, and services are essential to the Government's requirements to update and expand the use of the existing Vocera Wireless Communication Systems purchased by the RHJVAMC in 2011. The additional Vocera units are required to support increased application implementation and expanding use of the existing VOCERA Wireless Communication System. There are an estimated one hundred Vocera communication devices presently in use throughout the RHJVAMC facility. Users of the Vocera device include; the Inpatient units, ED, outpatient Dental Clinic, ACC, transport Volunteers, Clinical Nurse Specialists, Patient Flow Team, the PCC's, Respiratory Therapists, Social Workers, Ward Secretaries, Nurse Administrators, Telemetry clerks, and other ancillary support members. The Vocera units have proven effective in facilitating communication between staff members, physicians, and ancillary employees. The instant, hands free, Vocera communication device has increased RHJVAMC efficiency and productivity. RHJVAMC patient satisfaction scores have improved, patient access to care has increased, and patient safety enhanced. The efficacy of the Vocera device in these areas is evidenced by RHJVAMC's continued investments in additional system designs of which Vocera devices are a part. The RHJVAMC Vocera Wireless Communication System, established in 2011, is a RHJVAMC facility wide system of proprietary servers, hardware, and devices which are not compatible with those of any other vendor. Thus, new or additional devices must be fully compatible with the current Vocera Wireless Communication System in order to maintain the integrity, reliability, and function of the system currently in place.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Vocera provided two official letters on September 2, 2014 stating that Government Marketing and Procurement LLC is "Vocera's sole and exclusive GSA distribution channel," while Alvarez & Associates is "Vocera's NASA SEWP distribution channel." Accordingly, this procurement will be solicited, Open Market, as a 100% SDVOSB Set-Aside for Exact Match, Vocera Brand Name products, software, and services.
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 Ralph H. Johnson VA Medical Center will continue to conduct market research, including interacting with vendors at professional conferences, exhibitions, and trade shows, to identify alternative sources that could be considered for future acquisitions.

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.

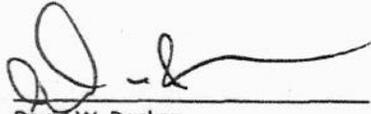


Name:
Title:
Ralph H. Johnson VA Medical Center
VISN 7

10/30/2014
Date

13. **Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP**

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

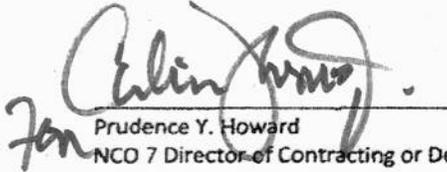


David W. Decker
Contracting Officer
NCO 7

10/30/2014
Date

RADJ
NCO 7 QA
10-30-14

b. **Director of Contracting/Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.



Prudence Y. Howard
NCO 7 Director of Contracting or Designee
NCO 7

10/30/14
Date