

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

**1. Contracting Activity:**

Department of Veterans Affairs, Veterans Health Administration  
Program Contracting Activity Central (PCAC)  
6150 Oak Tree Blvd, Suite 300  
Independence, OH 44131

Requested by: Office of Informatics and Analytics, VA Central Office (VACO) Library

Purchase Request #776-15-1-8251-0002

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

This procurement action is for the purchase of renewal of the Milner-Fenwick licensing agreement to continue utilizing the patient education material in streaming video format for viewing at the bedside, in public areas such as waiting rooms over closed circuit TV (CCTV), or in viewable format for loading onto stationary workstations. This renewal will ensure continued licensing for viewing previously purchased patient-oriented educational videos covering a variety of health topics. This license agreement includes the rights to broadcast material over CCTV for 56 VA libraries and for 55 VA libraries in viewable format.

VHA's goal is to ensure uniform availability of resources and services. Renewal of the national purchase of the HealthClips Video Library will afford any Veteran at any VA medical center continued equal access to the same information.

The sole source contractor for this procurement is:  
Milner-Fenwick, Inc.  
119 Lakefront Drive  
Hunt Valley, MD 21030

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

This acquisition will renew the license agreement for the rights to continue to use the previously purchased educational/health videos in digital streaming format in various medical centers.

Period of Performance                      10/29/2014 – 10/28/2015

The estimated total is \$415,426.00.

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

The statutory authority permitting other than full and open competition is 41 USC §253(c)(1), as implemented by FAR Subpart 6.302.1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

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

The license to the previously-purchased videos is owned solely by Milner-Fenwick, Inc. The VA previously purchased the digital streaming video collection and this acquisition allows the VA to continue to stream the video content throughout the medical centers. There is no other source who owns the license rights to the existing digital video collection. These videos provide specific medical and/or health-related information directly to Veterans when they visit a medical facility. Further, renewal of the license rights to the video collection includes all updates and new releases of videos released during the term of the license as well as removal of outdated content.

**6. Description of Efforts Made to Ensure that Offers are Solicited from as Many Potential Sources as Deemed Practicable:**

An internet search showed Milner-Fenwick owned the licensing rights for their own videos. This was substantiated by the previous acquisition wherein the contract included the purchase of the licensing rights to view the videos for one year. The internet search also indicated that no other companies had the licensing rights to Milner-Fenwick videos.

A VetBiz search was conducted on October 1, 2014 and no companies were found that owned the licensing rights to Milner-Fenwick patient education videos.

A Notice of Intent to Sole Source was posted to FedBizOpps (FBO) on October 1, 2014 and closed October 15, 2014. There were no responses received to the notice.

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

In order to establish fair and reasonable pricing, the pricing proposed by Milner-Fenwick, Inc. for this acquisition will be compared to historical pricing for the same product and will be compared to the IGCE. The IGCE is based upon previously determined fair and reasonable pricing for the same product with an approximate increase of 7%. Further, the Government will only be purchasing licensing rights and not the entire video collection as it was previously purchased.

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

A Notice of Intent to Sole Source was posted to FedBizOpps (FBO) on October 1, 2014 and closed October 15, 2014. There were no responses received to the notice.

Upon review of the previous Milner-Fenwick HealthClips Video Library license renewal purchase (Order #VA701-14-P-0008), other vendors were identified at that time as offering similar patient education videos. Purchase of these collections would require the cost of acquiring and an additional annual licensing fee. The annual licensing fee gives the government rights to all updated content, and allows us to offer our veteran

patients the most current health information. No vendors were found on an internet, VetBiz, GSA eLibrary, and Small Business Administration Small Dynamic Business Search that can provide licensing rights for the collection of Milner-Fenwick videos previously purchased.

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

N/A

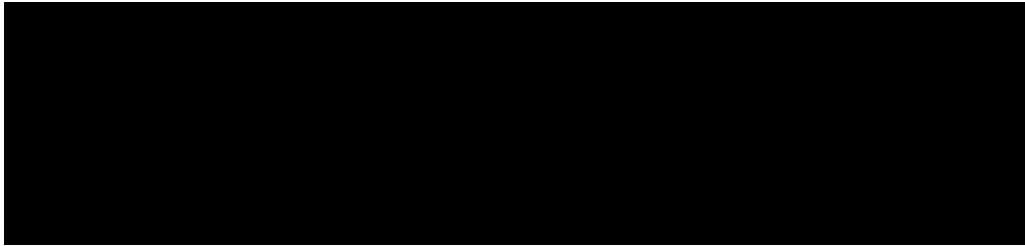
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

See Section 6 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:**

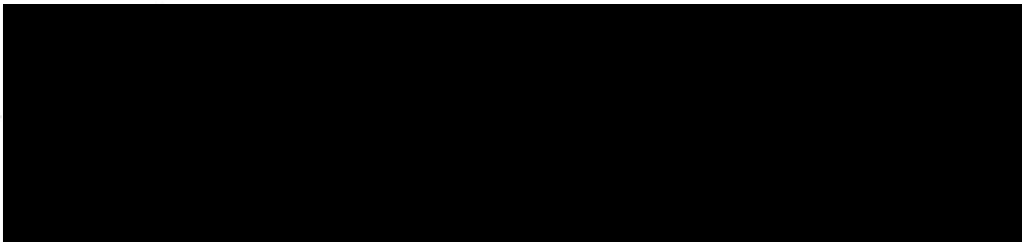
In order to remove or overcome any barriers to competition in future acquisitions for this requirement, market research will be conducted in a timely manner to determine if there are any other potential solutions or sources that can satisfy the requirements.

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.



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.



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

