

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 16 Network Contracting Activity, as directed by the Gulf Coast Veterans Health Care System (GCVHCS), Station 520, has a requirement for an annual service contract with Data Innovations, LLC which will require justification for other than full and open competition.
2237 Transaction #: 520-15-1-039-0002.
2. **Nature and/or Description of the Action Being Processed:** GCVHCS is requesting a firm-fixed price service purchase order to include a base and four (4) twelve (12) month option periods. NC016 intends to award a purchase order for software maintenance (including patches) on laboratory instrument interface (Data Innovations/Audio Care) located at the GCVHCS in Biloxi, Mississippi, without providing for full and open competition.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** GCVHCS is requesting a sole source service procurement with Data Innovations, LLC to include a base and four (4) twelve (12) month option periods. Data Innovations, LLC shall provide Data Innovations Instrument Manager support and maintenance on software used for Pathology and Laboratory instruments that are interfaced to the Vista system. Maintenance and support services include:

Support of IM Interface Connections P/N IM-E01.183SR
Support of IM P/N IM-B02.18SR
Support of Specimen Management Package P/N IM-SM1.18SR
Non-emergency support 9am-8pm EST
Emergency support, 24 hours per day, 7 days per week, 365 days per year
Customer Web Portal (CWP) access for submission and tracking support requests On-line
Knowledge base Software patches, updates, enhancements and new versions
Drive download page for updated and new drivers
Language locale web page for updated and new language local files
Opt in to any of Data Innovations/Audio Care email notification services
Opt in to IMLink, a device relationship management service

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):

Only One Responsible Source (FAR 6.302-1) - Software licenses, standardized patches, updates and enhancements developed for the VA are considered proprietary data and limits competition. Software is developed and maintained only by Data Innovations and is specific to how they interface lab instruments to VistA.

Patches, updates and enhancements for the Department of Veterans Affairs are only developed by Data Innovations and to maintain the Lab Instrument interface standardizations, the Gulf Coast Veterans HCS will need these patches, updates and enhancements.

The Data Innovations Instrument Manager is critical to direct patient care as the interface transfers data/results from Pathology and Laboratory instruments directly into the VistA software program linked to the Veteran's health care record providing notification to health care providers as soon as available saving valuable time and effort for VA staff and for the VA. The ability to receive results utilizing the interface software provides a better response time for critical situations that may be detrimental to the patient.

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

Market research via Internet, conferences, and other market sources has failed to produce any other potential source that would better provide this service than Data Innovations, LLC, who is a small business. Data Innovations, LLC is the developer of the software interface program utilized and no other source has the capability to perform needed support/maintenance requested. An intent to sole source notice will be posted to FedBizOpps for this requirement.

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

Data Innovations Instrument Manager software support, patches, updates, and enhancements provide the best value to the VA as these are provided specifically to and for the VA. It is anticipated that the Government will seek and receive published price lists for similar services required. In the absence of any published price lists, it is anticipated that the Government seek invoices where the vendor sold the same or similar items to other customers. It is fully anticipated adequate information can be obtained so that price fair and reasonableness can be achieved and documented by the Undersigned Contracting Officer.


8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons

Market Research Was Not Conducted: Market research via Internet, conferences, and other market sources has failed to produce any other potential source that would better provide this service. This service has been provided since 2008. Data Innovations, LLC is the developer of the software interface program utilized and no other source has the capability to perform needed support/maintenance requested.

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 Paragraph 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 overcome barriers to competition, more sources supplying equivalent equipment/services must be available. Since Data Innovations, LLC holds proprietary rights for the requested service, overcoming the barriers for competition cannot be realized at this time without duplicating the original cost of the system. Similar commercial systems available in the marketplace utilize proprietary software unique to the particular system and would require sole source procurement. If a replacement system and service is due to newer technology, then we will research other vendor equipment, related software/products, and maintenance programs available in the commercial marketplace and on VA and GSA Federal Supply Schedules in order to maximize competition.
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.


David D. Wagner
Facility CIO
Gulf Coast Veterans HCS

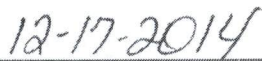
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13. **Approvals in accordance with FAR 6.304**


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


Beth A. Cook
Contracting Officer
NC016, Division II Services Team B


Date

- b. **P&C:** I certify the justification meets requirements for other than full and open competition.


Bennett W. Smith
Chief, Division II Services Team B
Network Contracting Office 16


Date