

**DEPARTMENT OF VETERANS AFFAIRS**

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

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, Palo Alto Health Care System.
2. **Nature and/or Description of the Action Being Processed:** We will be establishing a firm fixed price contract for mobile application development services.

**FAR13.5 Test Program:** This procurement is 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.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This contract will be for mobile application development services. The estimated amount is \$550,000 for a base year plus one option year.
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;

**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 for 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 order to meet both our timeline and budget requirements we need a contractor who is familiar with VA mobile app requirements, Section 508 accessibility requirements for mobile apps (as interpreted by the VA, which was only defined by using our apps as test cases for the 508 office to figure out how the law should be applied to mobile apps), our team, our

specifications documentation style, our current code base (both for building new and adaptations to apps), and the existing image repository. This firm is also local, which greatly improves the speed at which we can come up with collaborative designs.

Not all mobile apps are the same and varying amounts of interactivity determine how much developers will charge. Based on recent surveys of app programming rates, we estimate that developers would charge around \$60k per app for just the programming work, without any of the user interface design, quality assurance, or revisions to meet Section 508 requirements that this firm also performs.

Our partners at DoD's National Center for Telehealth & Technology pay 2-3 FTE for 5-6 months for each app developed, which costs significantly more than our \$40-50k flat fee

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

We will collect all source code and share it with the Office of Informatics so that they can assist us in developing a plan for future contracts including documentation of code.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The proposed contractor is currently providing mobile application development services for the Palo Alto Health Care System. The price for that contract has already gone through a fair and reasonable determination. We have a reasonable expectation that the prices received on this new contract will also be fair and reasonable.

A price analysis will be conducted comparing the contractor's quote to the Independent Government Estimate and the CO and COR's knowledge of industry.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research shows that awarding the contract to a new vendor would result in a significant cost increase.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** None

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

Moraja, Giovanni dba. Vertical  
625 Guerrero Street, Unit 11  
San Francisco, CA 94110  
DUNS: 079188347

**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:** If another requirement for the same effort arises in the future, the circumstances will be revisited to see if competition has become feasible and appropriate.

**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.

\_\_\_\_\_  
Julie Salazar  
Administrative Officer

08-25-15  
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Dated

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

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

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Mark J. Mikus  
Contracting Officer