

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval For Other Than Full and Open Competition

1. Contracting Activity:

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

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

The proposed action is for the execution of a Modification to IDIQ VA701-P-0086 to add additional CLINS which will allow the VA to continue ordering in-scope services for up to six (6) months while a new IDIQ contract is being awarded.

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

Description of Services:

- a) The proposed modification will provide additional CLINS to the existing contract in order to allow for continued site maintenance, web-site hosting, and licensing of health sheets and video content while the new procurement action is being prepared. VHL provides health education, materials and resources that are veteran specific. This modification will also allow for continued support to be provided to the Veterans Health Library under the National Center for Health Promotion and Disease. www.veteranshealthlibrary.org.

b) **Estimated Dollar Value:** \$604,008.00

c) **Period of Performance:** Period of performance of the IDIQ does not change.

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 38 U.S.C. § 8127(c), Veterans First Contracting Program
- ☐ () (6) National Security per FAR 6.302-6;
- ☐ () (7) Public Interest per FAR 6.302-7;

5. Rationale Supporting Use of the Authority Cited Above (applicability of authority):

Krames – Staywell, LLC is uniquely qualified to provide these services to the VA National Center for Health Promotion and Disease Prevention based upon the following:

Krames-Staywell is the owner of the health content and products specifically vetted to meet VA Clinical Practice Guidelines. As such, the VA currently licenses the content of the Veterans Health Library from Krames-Staywell. Additionally, Krames-Staywell hosts the Veterans Health Library on their servers providing maintenance and operational capability of the VHL. The VA has no ownership rights to the aforementioned content and products. Over the past five years, National Center for Health Promotion and Disease Prevention has worked extensively with Government Subject Matter Experts to modify Krames-Staywell's health content to fit the needs of Veteran specific health issues. This includes bringing health sheets and videos to 508 compliancy, editing to VA specific health literacy, and translation of information from English to Spanish. To obtain ownership rights of these materials would require full VA content development as well as the establishment of OI&T resources required to produce a functional product within the VA environment, including products that are fully Section 508 compliant. The initial VA investment in the development and implementation of the VHL is approximately \$5,500,000. To resolicit this contract and start with a new vendor at this stage will result in a substantial duplication of cost that the Government is not expected to recover. In effect, establishing a new effort with a new vendor would essentially negate VA's significant investment in the development and implementation of the library and force VA to start the development and content review process over again, resulting in substantial duplication costs that the Government is not likely to recover through competition.

Additionally, the period of performance for the current contract ends on 9/28/2015. Program Contracting Activity East (PCAE) is currently working with NCP on the follow on contract. However, due to issues encountered with developing the complete procurement package, PCAE will not have an award completed before the end date of the current contract. This Modification is being done to extend the period of performance and add basic services to the expiring contract, allowing for basic service CLINS that will permit PCAC to issue a Task Order to continue receiving these vital services until the new contract vehicle is awarded.

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

A Request for Information (RFI)/Sources Sought Synopsis (SSS) was released on June 12, 2015 by PCAE for the follow on contract. Of the RFI responses, two (2) businesses responded (the incumbent provider as well as one other interested contractor). Upon reviewing the capability determinations, only one was determined to be capable of fulfilling the requirement. The one response that was capable of fulfilling the requirement is the current contractor on the expiring IDIQ. The other contractor's response was rated as "Fail" as it did not meet the defined work effort requirements set forth in the RFI.

Pursuant to FAR 6.305(a) A Notice of award of the modification will be posted along with the approved J&A.

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

No award shall be made until the Contracting Officer determines the price to the Government to be fair and reasonable. This determination will be based on a comparison of current contract pricing from the last awarded option year, the Independent Government Cost Estimate, and other information made available by Krames Staywell's proposal.

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

Three potential vendors responded to the original solicitation for the current contract. One vendor did not possess the needed content or capabilities. The second vendor was not willing to modify their content to meet VA Clinical Practice Guidelines. Krame's Staywell met all the unique qualifications needed for the support, maintenance, hosting, health content licensing and building of the Veterans Health Library.

Additionally, the results of the RFI issued on June 12, 2015 as noted above further indicated that Krames-Staywell is the only source capable of providing the services sought by this six month extension.

After Modification award, A notice will be published to FBO.gov along with the signed J&A.

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

The Program Office is currently seeking a follow on sole source award, as awarding a competitive contract will result in a substantial duplication of cost to the Government that is not expected to recover through competition. Further, the Government does not currently have ownership rights to the content involved with this requirement, where those rights are held by the incumbent. PCAE is working on awarding a new contract vehicle with a milestone plan date award of approximately 3/28/2016. That award is expected to be a sole source award to Krames Staywell. In an effort to save time and streamline the process of continuing services provided by Krames Staywell via contract VA701-P-0086, a modification is being awarded and a J&A approved to add additional CLINS to the existing IDIQ contract in order to allow the VA to continue ordering vital in-scope services while a new IDIQ contract is in the process of being awarded. This modification will allow support of additional services to be provided to the Veterans Health Library under the National Center for Health Promotion and Disease. www.veteranshealthlibrary.org.

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

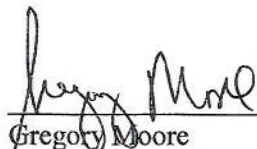
None – this action is a modification to the current contract.

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:

Competition for these services is not currently anticipated given the history of responses received for these requirements. The most practical means of increasing the ability to competitively bid the contract would be for the VA to purchase ownership rights of the content and host the product in the VA OI&T environment. A COTS product, such as the current VHL however, is the most economically viable alternative currently available given that the VA does not currently possess ownership rights to the content provided under this effort.

Additionally, the Government will continue to conduct market research under future efforts to ascertain if there are changes in the marketplace that would enable future actions to be competed.

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.



Gregory Moore
Executive Assistant, Preventive Medicine
VA National Center for Health Promotion and Disease Prevention

9-11-15

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.

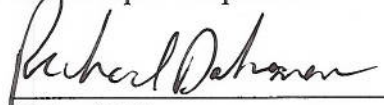
Heidi J. Gallaher 188726

Heidi J. Gallaher
Contracting Officer
Program Contracting Activity Central

Digitally signed by Heidi J. Gallaher 188726
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.00.1.1=heidi.gallaher@va.gov, cn=Heidi J.
Gallaher 188726
Date: 2015.09.11 10:01:55 -04'00'

Date

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



Richard Dahmen
Program Contract Manager
Program Contracting Activity Central

9/11/2015

Date