

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
23 Christopher Way
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a firm-fixed-price contract with CareFusion Solutions, LLC. (CareFusion), 3750 Torrey View Court, San Diego, California, 92130-2622.
3. Description of the Supplies or Services: This requirement is for CareFusion Pyxis® software implementation, training, and software maintenance in support of the Bar Code Expansion (BCE) Positive Patient Identification (PPI) project. The goal of the BCE-PPI project is to utilize bar code scanning technology in a wired and wireless environment to positively identify patients at the point of care. This project will enhance the quality of medical care, improve quality control, and decrease the number of adverse events due to patient misidentification. In 2005, the Veterans Health Administration purchased an enterprise unlimited user license for the following CareFusion Pyxis® software in support of the BCE-PPI project:
 - a. CareFusion Pyxis® Med Administration Verification, which extends Bar Code Medication Administration functionality to a handheld device;
 - b. CareFusion Pyxis® Nursing Data Collection, which allows the clinician to collect vital signs data by use of a handheld device; and
 - c. CareFusion Pyxis® Transfusion Verification Administration, which documents the administration of blood transfusions and matches the administration of the transfusion to the correct patient.

When the enterprise license was originally purchased, VA at that time only required a limited deployment for 19 sites. Currently, VA requires software installation / implementation, training, and software maintenance for the above products at a minimum of 149 sites. Software maintenance under this effort includes bug-fixes, minor-release upgrades, live troubleshooting support via phone, e-mail, instant messaging, or other web collaboration tools. The period of performance for this effort is 12 months for the Base Period (software implementation, training, and software maintenance for a base lot of 149 sites) plus two 12-month Option Periods for continued software maintenance. This contract will also include two optional tasks to provide the same software and support at up to an additional 13 sites, which can be exercised at any time during the period of performance. The total estimated value of the proposed action is [REDACTED], inclusive of Options.

4. Statutory Authority: The statutory authority permitting an other than full and open competition is 41 U.S.C.3304(a)(1) as implemented by the Federal Acquisition

Regulation (FAR) Subpart 6.302-1 entitled, “Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements”.

5. Rationale Supporting Use of Authority Cited Above: Based on extensive market research, including confirmation from CareFusion as the Original Equipment Manufacturer (OEM), it was determined that CareFusion is the only source capable of satisfying the VA requirements discussed above. With respect to the software maintenance and software implementation portions of the requirement, only CareFusion has access to the underlying software code that is necessary to provide this support. Specifically, if another source were to attempt to manipulate the CareFusion software code to provide equivalent software maintenance support (bug-fixes, minor-release upgrades, live troubleshooting support, etc.) or customized software implementation support, it would result in configuration and installation issues as the proprietary code is required to ensure the services provided will work on the current software. In addition use of another source for the aforementioned services would invalidate VA’s enterprise license. With respect to the training portion of the requirement, CareFusion has confirmed that it is the only company with the proprietary rights to provide this support and there are no authorized resellers.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. This effort did not yield any additional sources that can meet the Government’s requirements. There is no competition anticipated for this acquisition. Additionally, the proposed action will be synopsisized on the Federal Business Opportunities Page in accordance with FAR 5.201. Any proposals that are received shall be evaluated and the justification will be made publicly available.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be competed.

8. Market Research: As part of its normal operations, Bar Code Resource Office technical experts regularly conduct market research for products with functionalities that can support the BCI-PPE project. While software exists that is similar to the CareFusion products used by VA (such as Hospira, and Cardinal Health), only CareFusion can provide the required software implementation, training, and software maintenance due to the proprietary restrictions discussed above. In addition, as referenced above, CareFusion does not provide any other company with access to its underlying software code nor the proprietary rights necessary to perform any of the services required by this procurement. Therefore only a contract directly with CareFusion as the OEM can satisfy VA’s requirement.

Additionally, in April 2015, Government technical experts issued a Request for Information (RFI) under the National Aeronautics and Space Administration Solutions for Enterprise-Wide Procurement IV Governmentwide Acquisition Contract to ascertain the possibility of procuring the required CareFusion support through a small business reseller. The RFI did not yield any responses. Finally, in May 2015, the Government contacted CareFusion directly to ascertain the possibility of procuring the required

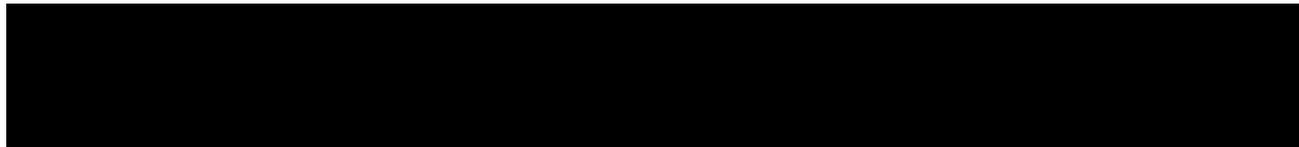
CareFusion support through any reseller, any existing contract, or any General Services Administration schedule. CareFusion confirmed that the required software implementation, training, and software maintenance is only available direct from CareFusion.

9. Other Facts:

10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.



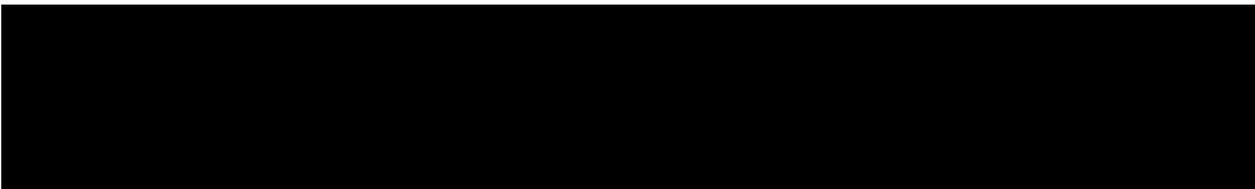
11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on comparison with the Contractor's commercial prices for the required software support, as well as comparison with prices previously paid by VA for the same support under its enterprise license. Finally, the proposed price will be compared to the Independent Government Cost Estimate.



12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.



13. Legal Sufficiency Certification: I have reviewed this justification and find it adequate to support other than full and open competition and deem it legally sufficient.



Approval

Based on the foregoing justification, I approve the acquisition for CareFusion on-site training and implementation support to fully implement the Pyxis® CareFusion software applications, inclusive of software maintenance in the total estimated amount of [REDACTED], on an other than full open competition basis pursuant to Section 41 U.S.C.3304(a)(1), subject to availability of funds, and provided that the services herein described have otherwise been authorized for acquisition.

