

# JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

**1. Contracting Activity:** Department of Veterans Affairs Office  
of Acquisition Operations Strategic  
Acquisition Center 10300  
Spotsylvania Avenue, Suite 400  
Fredericksburg, VA 22408

**2. Nature and/ or Description of Action Being Processed:** The proposed sole source action is for a Firm-Fixed Price Indefinite Delivery/Indefinite Quantity (IDIQ) contract for procurement of psychological tests licensing and copyrights. The estimated maximum cumulative dollar value for this requirement is \$492,266.00 for a total of five years. The contract ordering period for this ID/IQ contract is from December 1, 2015 through 30 November 2020 and individual delivery orders may be issued at any time during the five-year contract term. This effort is proposed to be awarded to Psychological Assessment Resources, Inc, 16204 North Florida Ave, Lutz Florida, 33549-8119.

**3. Description of the Supplies or Services Required to Meet the Agency's Needs:** The Veterans Health Administration (VHA) medical staff approved certain psychological tests for use by clinical practitioners when exercising their medical judgment in treating patients. The Agency seeks permission to access and utilize the following copyrighted psychological tests and deliver two paper copies of the following tests, scoring algorithms, norms, and updates as necessary:

- Personality Assessment Instrument (PAI)
- NEO Personality Inventory – 3 (NEO-PI-3)

Veterans Health Administration (VHA) needs psychological tests for the purpose of conducting diagnostic assessments and symptom monitoring for Veterans receiving behavioral health care throughout VHA. Psychological testing is one of the most important contributions of behavioral science, with extensive evidence documenting the effectiveness of well-constructed psychological tests in facilitating wiser decisions about diagnosis and treatment needs. VHA requires a spectrum of psychological tests to evaluate the variety of behavioral disorders that are treated in the Veterans Healthcare System. These range from comprehensive personality assessments to specific disorder related assessments, impact on functioning and quality of life assessments, as well as patient satisfaction questionnaires. The types of tests included in the psychological testing program managed by VHA Mental Health Services are determined by national standards of psychological testing. VHA consults with the American Psychological Association, National Council on Measurement in Education, the National Quality Forum and other agencies to ensure that the tests that are offered to VHA staff meet the current highest standards of psychological testing and program evaluation possible.

The psychological tests included in the VHA psychological testing program are used for conducting individual patient assessments and for program evaluation purposes. When a patient newly enters treatment in a behavioral health program, clinicians conduct a

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comprehensive assessment battery that includes a number of psychological tests. Each behavioral health program utilizes different tests, depending on the type of disorder being treated and it is imperative that VHA clinicians have at their disposal a range of psychological tests which may be accessed as appropriate in their medical judgment to treat a patient. Accurate diagnosis and appropriate treatment of veterans must be based on a thorough, objective evaluation of behavioral symptoms. Psychological tests are an integral part of this assessment process. The psychological tests included in this contract provide an invaluable tool, which VHA has determined is required for health care clinicians to exercise their medical judgment in diagnosing a veteran's behavioral symptoms and allowing clinical personnel to recommend treatments that are tailored to the individual needs of the veteran.

Additionally, throughout the course of care, symptoms and treatment outcomes are measured through the use of standardized psychological tests. These tests results are used by individual clinicians to guide diagnostic decisions and treatment recommendations. The results of these assessments are also evaluated on a population level to evaluate program effectiveness for VHA's behavioral healthcare programs.

VHA utilizes an electronic medical record system which contains a specific VA developed software program, called Mental Health Assistant (MHA). This software program was developed by VA Office of Information and Technology (OI&T) developers, and is maintained by VA. All of the tests that are included in the VHA psychological testing program are included as content within MHA. MHA is available to all VHA clinicians for the purpose of administering and scoring psychological tests and includes a variety of state of the art psychological tests and scoring algorithms in which health clinicians can access and use as they deem appropriate in their medical judgment. The materials required from a test publisher shall include the test questions, response choices, and scoring algorithms. The tests must be able to be administered on MHA in order for patients to be able to complete the tests on computers, and test results shall be scored and interpreted immediately, with immediate results available for clinicians to use in their diagnostic and treatment planning activities. VHA does not require any test publisher's commercial scoring software. VA requires the ability to recreate the psychological tests in MHA; therefore, VHA requires access to the intellectual property of the psychological tests in order that VA may integrate such tests into MHA and use such tests in its clinical practice.

The integration of the psychological testing content into the VA's electronic medical records allows the results of psychological assessments to be shared with other clinicians working with an individual patient, and provides the capability of decision support systems to utilize psychological test results in overall clinical decision making (through clinical reminders). Furthermore, the integration of the testing program into the VA's electronic medical records provides all psychological testing administration results as data that can be evaluated for program evaluation purposes.

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VHA selects a variety of tests from various sources to include in its psychological testing program with guidance from several national organizations that set standards for psychological testing and quality outcomes. The program currently provides access to more than 100 tests to VHA clinicians to ensure that all VHA health clinicians have access to the range of tests required for the exercise of their medical judgment in treating patients.

Determination of what tests to include is made by carefully following the National Standards for Educational and Psychological Testing to ensure that selected tests meet the highest standards of test construction, validity and reliability and to ensure that all VHA health clinicians have access to the range of tests required for the exercise of their medical judgment in treating patients.

**4. Authority:** The statutory authority for this justification is 41 U.S.C. 253(c) (1), and Federal Acquisition Regulation (FAR) 6.302-1. The authority permitting this sole source action is Federal Acquisition Regulation (FAR) 6.302-1 - Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

**5. Rationale for Authority:** Psychological Assessment Resources Inc. (PAR) is the only vendor that can meet the needs of VHA with regard to providing the necessary psychological test licensing and copyrights for use in conducting diagnostic assessments and symptom monitoring for Veterans receiving behavioral healthcare throughout VHA. The copyrighted psychological assessment tests published by PAR, Inc have been vetted by VA medical staff, and a determination has been made that the tests are necessary for VHA health clinicians to exercise their medical judgment. Accordingly, the PAR, Inc. psychological tests have been approved by the mental health services program office for use and it is sound medical practice to include these tests in the VA's MHA library. PAR, Inc. is the only entity that can grant the right for VA to utilize their copyrighted tests, scoring algorithms, and norms and place these tests on VA's own electronic psychological assessment software package, the Mental Health Assistant (MHA), which is part of the overall VistA system.

As stated above, PAR, Inc. is the sole provider to allow licensing and electronic use of these tests as determined by the market research and verified by PAR Inc. There are no other commercial sources in the marketplace for these tests in which we may obtain the license, which are used in multiple mental health programs for diagnosing clinical symptoms and periodically monitoring those diagnoses/symptoms.

**6. Efforts to Obtain Competition:** Since the issue is about the copyright and since only one publisher is allowed to control the copyright of each test, we do not have any control over obtaining/increasing the competition. This requirement will be synopsisized on Federal Business Opportunities in accordance with FAR 5.201. Any outside submissions received will be reviewed, and evaluated to see if the capabilities that are provided can fulfill the Governments requirement.

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**7. Actions to Increase Competition:** An Intent to Sole Source will be posted to Federal Business Opportunities (FBO). Additionally, this Justification and Approval document will be posted, post-award, to FBO for 30 days in accordance with FAR 6.305. The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.

**8. Market Research:** The market research resulted in no other potential sources for these tests. For more detailed search information, please see below:

- Google – search on each individual test name. Was able to pull up multiple research information but all the references to obtain the tests were just to buy the tests and not the License which PAR controls.
- American Psychological Association – Same as Google search.
- GSA Advantage — nothing found.
- GSA eLibrary — nothing found.

Psychological Assessment Resource, Inc. is considered to be the sole publisher, and they are the only source that can provide these tests. This has been verified with PAR.

**9. Other Facts:** None.


**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.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Title: Administrative Officer/COR Signature: 

**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 (Insert the methods that will be used to determine a fair and reasonable price).

Name \_\_\_\_\_ Date: \_\_\_\_\_

Procuring Contract Officer Signature: 

**12. Procuring Contracting Officer Certification:** I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$650,000, the certification below required by FAR 16.505(b) (2) (ii) (C) (1) serves as approval.

Name \_\_\_\_\_ Date: \_\_\_\_\_

Procuring Contracting Officer Signature: 