

**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 1, New England Healthcare System, Clinical Engineering, VISN-wide request.

**TRANSACTION #:** 523-16-3-7853-0011

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

Other than full and open competition as authorized by statute is being requested for a VISN wide maintenance and support agreement covering the VoiceOver voice recognition/dictation software package for Anatomic Pathology provided by Voicebrook Inc. The current one year agreement expires April 30 2016 under award # VA241-15-P-1130. This request is for a five (5) year Indefinite Delivery Indefinite Quantity (IDIQ) contract with a firm fixed price agreement on unit prices that do not increase for the full five (5) years. If unit quantities are adjusted up or down according to the requirements of the VA, total pricing will be adjusted pro rata.

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

Five (5) year IDIQ agreement for Voicebrook to provide maintenance and support of the VoiceOver voice recognition//dictation software package for Anatomic Pathology that was purchased for VISN-1 in 2011.

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):**

Voicebrook is the only authorized vendor to service the VoiceOver product as stated in the attached letter from Voicebrook's Chief Operating Officer. They have provided satisfactory service in past years.

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

Voicebrook is the only vendor known to provide voice recognition software suitable for pathology use and they do not authorize third parties to service their product, see #5. Another VISN has done

extensive research which they shared with us. They investigated alternatives via internet search, the website of the College of American Pathologists, GSA Advantage, and query to other VA Pathology Labs. They found that the only possible alternative product is not recommended for pathology use. Although there is a VOA OIA IDIQ contract for Nuance-Dragon Medical it is not recommended for Pathology application. Instead Voicebrook is recommended. See attached extract from the website of the Department of Veterans Affairs Health Information Management.

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

In the absence of competitive bids or a published rate card other comparisons have to be used to evaluate pricing. We obtained the prices for charged to two other VISN's for identical items and also compared to our pricing for last year. The quantities in the other VISN's were different but still good for a ball park comparison. When compared to the three samples our pricing ranged from 8.49% less favorable to 12.94% more favorable. The Contracting Officer considers this to be fair and reasonable, especially when considering the pricing is guaranteed to be constant without escalation for five (5) years.

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

See # 5 & 6. Market research proved this was the only supplier of this product.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** The VoiceBrook Software System was purchased in 2011 and is in place and providing dictation services of pathology reports into the VA VISTA computer system (Anatomic Pathology Computer Package). There is no comparable software available. Even if it were possible, a change to a different system would likely decrease the efficiency and quality of care now being provided. It is doubtful the cost, time and training would provide any added value to the Government.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None. See #5 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:**

Unless vendor authorizes service and support from third party, we are unable to consider other vendors. Other than continuing to monitor the market for viable alternatives, no actions are planned at this time. We will consider other vendors that can meet needs of VISN 1 when current system is obsolete. A multi-year agreement is requested to reduce the workload on VISN 1 Contracting Staff. Maintenance and support is on-going requirement for as long as this anatomic pathology dictation and transcription software program is utilized in VISN 1.

**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.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP  
Attachment 3: Request for Sole Source Justification Format >\$150K

\_\_\_\_\_  
Name: Mary-Ann Bridgwood  
Title: Program Manager, Network Consolidated Laboratory  
Facility: VISN 1

March 17, 2016  
Date

**13. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP](#).**

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

\_\_\_\_\_  
Name: Carl R. Langer  
Title: Contract Officer  
Facility: VISN 1

March 17, 2016  
Date

- b. **Director of Contracting /Designee (Required \$150K and above)**: I certify the justification meets requirements for other than full and open competition.

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Name: Michael R. Corriveau  
Title: NCO 1 Director of Contracting Designee  
Facility:

March 18, 2016  
Date

March 9, 2016

Carl Langer  
Contracting Officer, Specialty Team  
VA New England Healthcare System, VISN1  
950 Campbell Ave.  
Bldg 11, Mailstop 90C  
West Haven, CT 06516

Mr. Langer:

I am writing this letter to inform you that the VoiceOver<sup>®</sup> product that my company offers is a sole source product. Voicebrook developed this software application and solution and we do not license it for resale by any other third party entities. We are also the only vendor authorized to service our own software. As such, Voicebrook Inc. is the only vendor whom this product or its support and maintenance can be purchased from. If you should have any questions or comments, please feel free to contact me at (516) 206-1618. Thanks again for your assistance in expediting this order.

Best Regards,

A handwritten signature in black ink that reads "Richard Friedman".

Richard Friedman  
Chief Operating Officer  
Voicebrook, Inc.

## Articles

[http://vawww.vhahim.va.gov/index.php?option=com\\_content&view=article&id=81:speech-recognition&catid=85:resources&Itemid=73](http://vawww.vhahim.va.gov/index.php?option=com_content&view=article&id=81:speech-recognition&catid=85:resources&Itemid=73)

Department of Veteran Affairs – Health Information Management

### Speech Recognition

The Office of Informatics and Analytics, Health Information Governance is sponsoring an enterprise-wide purchase of medical speech recognition software. Medical speech recognition software converts spoken word to text and is specifically designed for use by non-radiological clinical staff.

### Implementation

Dragon Medical Network Edition (DMNE) has been deployed in all four OI&T Regions and is available to all VISNs, Medical Centers, and Community Based Outpatient Clinic end users. Follow your local regional processes to request DMNE. Radiology Powerscribe users and **Pathology Voicebrook users should NOT request DMNE, as these Dragon products will NOT work in tandem with DMNE.** End Users Count as of February 2016: 11,000.

### Reasonable Accommodation for Clinical End Users

- Follow your local process to request installation of Dragon Medical Network Edition (DMNE)
- For assistance, including licensing questions, send an email to [VADragonMedicalSupport@nuance.com](mailto:VADragonMedicalSupport@nuance.com)
- Do NOT install on Radiology PCs since the Radiologist's PCs use Nuance PowerScribe product.
- **Do NOT install on Pathology PCs since the Pathologists use Nuances' partners Voicebrook product.**

Non-clinical end users should contact the local Reasonable Accommodations Coordinator as noted in VA Handbook 5975.1, "Processing Requests for Reasonable Accommodations".

Note: The contract for the DMNE software is specifically for clinician use.