

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. Contracting Activity: Department of Veterans Affairs, Network Contracting Office (NCO) 16, VA Gulf Coast Veterans Health Care System (VAGCVHCS), Biloxi Medical Center, on behalf of the 10 VISN 16 Stations through the VISN 16 Virtual Library.

2. Nature and/or Description of the Action Being Processed: Access to an on-line subscription service to a medical/clinical reference database is required encompassing over 9,000 unique Topic Reviews with 7,700 graded recommendations spanning over 45 medical specialties and subspecialties for VISN 16 healthcare providers and other medical professionals is required. A firm-fixed price contract is anticipated for the one-year period of February 1, 2012 through January 31, 2013 with unlimited access for all VISN 16 users from any facility within VISN 16.

3. Description of Supplies/Services Required to Meet the Agency's Needs: Access to on-line clinical reference database entitled *UpToDate* is required that encompasses over 9,000 unique Topic Reviews with 7,700 graded recommendations spanning over 45 medical specialties and subspecialties for VISN 16 healthcare providers and other medical professionals. A firm-fixed price contract is anticipated for the one-year period of February 1, 2012 through January 31, 2013 with unlimited access for all VISN 16 users from any facility within VISN 16. The estimated cost is [REDACTED]. This subscription access will provide VISN 16 healthcare providers and other medical professionals with the most current information within their specialty to help them recognize the clinical manifestations of a wide variety of disorders and describe current options for diagnosis, management and therapy, including the efficacy, doses, and interactions of individual drugs, and identify optimal screening and prevention strategies. The medical/clinical subscription database's unique content and search engine must be specifically designed to allow healthcare providers and other medical professionals to answer difficult clinical questions in less than 5 minutes and must provide the most current information available and be updated at least quarterly.

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):

Only One Responsible Source (FAR 6.302-1) – The only source of supply that we are aware of that provides the on-line medical/clinical subscription service that contains the amount and depth of information required by our VISN 16 healthcare providers and other medical professionals is UpToDate, Inc. UpToDate, Inc. is the sole proprietor of *UpToDate* content that cannot be accessed without a license obtained directly from them as they do not utilize 3rd party distributors/vendors to sell the subscriptions services. *UpToDate*'s content is written and reviewed by over 4,500 recognized specialty experts, undergoing multiple layers of peer review. They also provide integrated and direct links from their topic search results to VisualDX. Users are redirected from *UpToDate* directly into VisualDX subscription to relevant images. *UpToDate*'s emphasis is on internal medicine and internal medicine subspecialties including cardiology, dermatology, sleep medicine, emergency medicine, endocrinology, rheumatology, gynecology, infectious diseases, oncology, gastroenterology, hematology, and hospital medicine. *UpToDate* includes over 5,000 fully integrated Drug Monographs and a drug-drug/drug-herb interaction module provided in conjunction with Lexi-Comp databases Lexi-Drugs, Pediatric Lexi-Drugs, Lexi-Interact, Lexi-Patient Education, Lexi-Natural Products, and Lexi-Drug International. They also provide 125 evidenced-based medical calculators. *UpToDate* is accredited by the following organizations: AMA, AAFP, AANP, AAPA, AAP, ACEP, AOA, and CFPC. It is the Contracting Officer's experience in purchasing various sources of published material (both on-line and hard copy) that each individual company has access to specialized material that others normally don't carry. While some companies may have access to some of the same material, it is rare where multiple companies carry the exact materials as another company. UpToDate, Inc. is the only known firm capable of providing the required on-line subscription services described above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition. This on-line medical/clinical reference material has been identified as necessary in order for the VISN 16 healthcare providers and other medical professionals to accomplish their jobs, fulfill the VA's mission, and serve our country's Veterans.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: The undersigned Contracting Officer ran a VetBiz Registry Database inquiry under NAICS Code 519130 which revealed zero matches for SDVOSB's and VOSB's providing these types of reference materials. A search of the CCR Database using NAICS Code 519130 – Internet Publishing and Broadcasting and Web Search Portals, revealed 3,560 small business sources. However, we do not believe that any of these small business sources of supply can provide the same number or breadth of topic reviews provided by *UpToDate*. The undersigned Contracting Officer also checked other available on-line clinical (medical) reference material in the commercial market (*Dynamed*, *FIRSTConsult*, *ACP Pier*, *MD Consult* (which VISN 16 already subscribes to), *Stat!Ref* (which VISN 16 already subscribes to), *Harrisons Online*, *SUMSearch*, and *TRIP Plus*) but none of these reference materials appear to come even close to supplying the amount and level (depth) of medical reference material required by VISN 16 medical professionals. This requirement will be posted on the Federal Business Opportunities website. If there are any other vendors in the commercial market that can possibly meet the above requirements, we will immediately contact those companies to discuss our requirements to see if in-fact they can meet them. We will also continue to monitor

other sources of supply in the commercial market (both open market and on GSA's Federal Supply Schedules) to see if the Government's requirements can possibly be met by other companies.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: Because it appears that there are not published price lists available for this subscription service, we will have to seek copies of contracts, purchase orders, or invoicing where these same subscription services were sold to similar size medical organizations as that of VISN 16 (based upon inpatient and outpatient admissions). It is fully anticipated adequate information can be obtained so that price fair and reasonableness can be achieved and documented.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: A search of the CCR Database using NAICS Code 519130 – Internet Publishing and Broadcasting and Web Search Portals, revealed 3,560 small business sources. In addition to the above CCR Search, the undersigned also ran a VetBiz Registry Database inquiry under NAICS Code 519130 which revealed zero matches for SDVOSB's and VOSB's providing these types of reference materials. The undersigned also checked other available on-line clinical (medical) reference material in the commercial market (*Dynamed*, *FIRSTConsult*, *ACP Pier*, *MD Consult* (which VISN 16 already subscribes to), *Stat!Ref* (which VISN 16 already subscribes to), *Harrisons Online*, *SUMSearch*, and *TRIP Plus*) but none of these reference materials even come close to supplying the amount and level (depth) of medical reference material required by VISN 16 medical professionals. It is the Contracting Officer's experience in purchasing various sources of published material (both on-line and hard copy) that each individual company has access to some specialized material that others normally don't have. While some companies may have access to the same material, it is rare that multiple companies would carry all the exact same materials as another company.

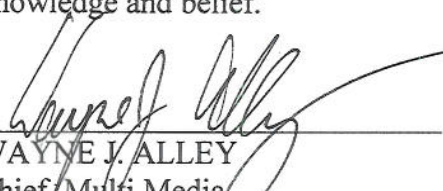
9. Any Other Facts Supporting the Use of Other than Full and Open Competition: This requirement will be posted on the Federal Business Opportunities website. If there are any other vendors in the commercial market that can possibly meet the above requirements, we will immediately contact those companies to discuss our requirements with them to see if in-fact they can meet them. We will also continue to monitor other sources of supply in the commercial market (both open market and on GSA's Federal Supply Schedules) to see if the Government's requirements can possibly be met by other companies.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: Please see Section 6 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: If these same (or similar) requirements are required in the future, they will also be posted on the Federal Business Opportunities website unless the requirement can be filled through GSA's Federal Supply Schedules at which time the requirement would be posted on GSA's eBay website. If we find any other vendors in the commercial market that can possibly meet the above requirements, we will immediately contact those companies to discuss our

requirements to see if in-fact they can meet them. We will also continue to monitor other sources of supply in the commercial market (both open market and on GSA's Federal Supply Schedule) to see if the Government's requirements can possibly be met by other companies.

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.



WAYNE J. ALLEY
Chief, Multi Media
VAGCVHCS (Biloxi)



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.

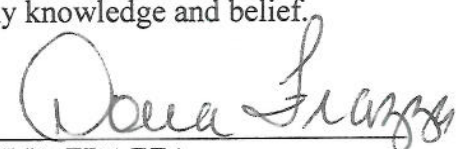


WILLIAM A. GEARY
Contracting Officer
VAGCVHCS (BILOXI) NETWORK 16 CONTRACTING ACTIVITY




Date

b. CHIEF P&C: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



DONNA FRAZZA
Chief, Purchasing and Contracts
VAGCVHCS (BILOXI) NETWORK 16 CONTRACTING ACTIVITY



Date