

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>\$150K)

Acquisition Plan Action ID: VA701-16-AP-0070

1. Contracting Activity:

Department of Veterans Affairs (VA), Program Contracting Activity Central (PCAC), 6150 Oak Tree Boulevard, Suite 300, Independence, Ohio 44131 and the Veterans Health Administration (VHA), Office of Informatics and Analytics (OIA) Library Network Office (LNO) offer this Justification for Other Than Full and Open Competition. Purchase Request number is 776-16-4-8251-0054.

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

This request is for the renewal of the VA enterprise-wide license for electronic access to Elsevier Inc.'s (Elsevier) Clinical Solutions Subscription, ClinicalKey®. Procurement of access to ClinicalKey® will be accomplished through the establishment of a new standalone firm fixed price contract following the procedures in Federal Acquisition Regulations (FAR) Parts 12 and Part 13.5.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for the Elsevier ClinicalKey twelve month subscription renewal in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

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

The VHA Medical Center libraries, Central Office staff, and the staff at all the VA Medical Center (VAMCs), Community Based Outpatient Clinics (CBOCs), and other affiliated programs and offices require continued access to the web-based version of the Elsevier Collection ClinicalKey® Subscription, 24 hours a day, 7 days a week, satisfying the needs of hospitals that are always open and staffed. The Elsevier collection is heavily used by VA librarians, clinicians, researchers, and educators for access to medical and surgical content including practice monographs, patient education handouts, and procedural videos. Continued access to the ClinicalKey® Subscription is critical to medical staff and supplies information used directly in patient care.

The estimated value of the procurement is \$4,999,990.00 for a one (1) year subscription with a period of performance (POP) of September 30, 2016 to September 29, 2017.

4. Statutory Authority Permitting Other than Full and Open Competition:

41 USC 3304(a)(1), as implemented by FAR 6.302-1.

- (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;

FAR13.5 Simplified Procedures for Certain Commercial Items:

The authority for applying the Simplified Procedures for commercial Items of FAR13.5 is 41 U.S.C. 1901 and is implemented by restricting competition on this procurement via FAR 13.106-1(b)(2).

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

The web-based version of the Elsevier ClinicalKey® Subscription provides access to over 1000+ books, 600+ journals, and 17,000 medical and surgical videos. The VA LNO has identified several book and journal titles offered by Elsevier that are of specific interest to VA, and are proprietary to Elsevier. Elsevier is also the sole distributor of their online product, making them the primary source available to provide a subscription to their service.

There are several content resources within this subscription that are only available through Elsevier's ClinicalKey® Subscription. These include the following:

Journals

- The Lancet
- Journal of the American College of Cardiology
- Medical Clinics of North America
- The Lancet Oncology
- Clinics in Chest Medicine
- Ophthalmology

Books

- Mandell, Douglas, and Bennett's Principles and Practices of Infectious Diseases
- Sleisenger and Fordtran's Gastrointestinal and Liver Disease
- Braunwald's Heart Disease
- Current Surgical Therapy
- Murray and Nadel's Textbook of Respiratory Disease
- Cummings' Otolaryngology

First Consult provides over 850 monographs that serve as a source for clinicians to find succinct clinical answers to aid in decision making at the point of care.

As a way to help users learn a technique or simply refresh skills, over 300 (328 today) procedural videos that provide step-by-step procedural instructions are available. The modules provide medical and surgical content for specific procedures required by the Accreditation Council of Graduate Medical Education (ACGME)

Staff will also have access to over 17000 medical and surgical videos covering procedures and medical topics from 30+ medical and surgical specialties.

In addition to the numerous articles, videos and journals that are proprietary to Elsevier; many articles while available online at separate sources, Elsevier through the ClinicalKey® Subscription, provides access to all of the articles at one source. This allows the practitioner to search quickly all relevant articles for information that is critical to patient care.

The ClinicalKey® Subscription is “powered by Elsevier’s Smart Content, tagged with Elsevier Merged Medical Taxonomy (EMMeT), which enables ClinicalKey® to understand clinical terms and thus discover medical content that is the most relevant, plus find related content that would be missed by other search engines. Elsevier’s Smart Content has been designed to understand the vast number of relationships between clinical concepts. By organizing these relationships in a hierarchical manner, it guarantees that ClinicalKey® provides specific, targeted results to physicians’ questions. The tool allows clinicians to filter search results by clinically meaningful subcategories (content type, specialty, and by relevant clinical categories like treatment and diagnosis). Specialty specific tools enable physicians to quickly go from topic overview to in depth specialty information to meet clinical challenges.” {Source: Vardell, E. ClinicalKey: A point-Of-Care Search Engine, Medical Reference Services Quarterly, vol. 32(1), 2013, pp 84-92.}

Elsevier also meets VA’s needs by providing enterprise-wide access to their content with no geographic or concurrent user limitations, content in both HTML and PDF formats, access to online only supplements and images, and detailed usage reports.

Accordingly, Elsevier is the only firm capable of providing the supplies and services described in Section III above without the Veterans Health Administration experiencing unacceptable delays in fulfilling its requirements.

6. Description of Efforts Made to Ensure That Offers are Solicited From as Many Potential Sources as deemed Practical:

- A. A Notice of Intent to Sole Source was posted to FBO.gov on 02/17/2016 with responses due by 02/24/2016. There were no responses to the Notice. The last action’s Sources Sought Notice was posted to FBO.gov on 3/9/2015 with responses due by 3/23/2015 with no results as well. Market Research was conducted for the same procurement in FY12, FY13, FY14 and FY15.
- B. Conducted internet Queries on “Clinical Key” and “ClinicalKey” showed references only to Elsevier and the rollout of Elsevier. Except for the following: A 2012 article noting that ClinicalKey® would likely replace MDConsult as a preferred search engine. Other results in this search showed medical libraries replacing MdConsult with ClinicalKey® since its introduction in 2012.
- C. Conducted internet queries on “web based search product clinicians” showed the following results:
 - 1) A product called UpToDate, a web-based “Clinical Decision” product, was found. Per the Library Network Office: 1) This product is being used at VISN, medical center and outpatient clinics across the VA, 2) UpToDate has similar features in content and format to Elsevier’s ClinicalKey’s® First Consult content resource. 3) John Hopkins uses UpToDate and Elsevier ClinicalKey®.

2) LSVT Global - Find a Clinician – This is a search engine for clinician names only.

D. Conducted internet queries on “Elsevier distribution”. There were no distributors or distribution rights granted for Elsevier products. However, the results showed agreements that Elsevier had been given the right to be sole distributor of specific medical publishers. This exclusiveness with publishers, in part, likely allows Elsevier’s to claim ‘proprietary’ resources.

E. Conducted mandatory sources internet queries on UINCOR, Ability One, VetBIZ, and a Small Business Dynamic Search were performed with no results.

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

The Government has developed an Independent Government Cost Estimate (IGCE) for this procurement of \$4,999,990.00. The Government will also use historical pricing to help further guarantee price reasonableness. Price reasonableness is determined by comparison to the IGCE and by comparison to historical pricing. The VA purchased the ClinicalKey® subscription in FY12 - \$4,957,406.70; FY13 - \$4,732,901.82; FY14 - \$4,898,553.38; and FY15 - \$4,999,990.00.

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

As stated in Section 6 of this J&A, a Notice of Intent to Sole Source was published to FBO.gov and no responses were received. Additionally many internet searches were conducted and there is no product on the market place that can meet the all of the Library Network Office’s Statement of Work requirements.

Additionally, in 2016, an email was sent to the Government Point of Contact for Elsevier. They confirmed that Elsevier does allow Advanced Educational Products (AEP) to resell their subscription of the ClinicalKey Collection. AEP has not responded to any RFI’s published by this office. AEP was contact via telephone, specifically Ms. Beth Higgins, who confirmed they are able to resell the Elsevier ClinicalKey subscription and would be interested in doing so. However, although AEP is a Veteran Owned Small Business, they are not currently registered in VetBiz.

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

None

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

Elsevier, Inc. and AEP.

11. A Statement of Actions, if any, the Agency Make Take to Remove or Overcome any Barriers to Competition before Making Subsequent Acquisitions for the Supplies or Services Required:

The Library Network Office and Program Contracting Activity Central (PCAC) will engage in continual market research to identify products and subscription titles that will enable competition to meet this requirement in future procurements.

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.

Thomas P.

Waugh 105835

Tom Waugh
Librarian, VHA

Digitally signed by Thomas P. Waugh
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13. Approvals in Accordance with FAR 6.304:

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

Andrea Fink

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Andrea Fink
Contracting Officer

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- b. **Director of contracting/Designee:** I certify the justification meets the requirements for Other than Full and Open Competition.



Richard Dahmen
Director of Contracting, PCAC

7/26/2016
Date

- c. **SAO Director/HCA:** I certify the justification meets the requirements for Other than Full and Open Competition.

Linda S. Greaves

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Linda S. Greaves
Acting Director, SAO Central Region
SAO Central Head of Contracting (HCA)

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7/28/2016

Date