

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)**

Acquisition Plan Action ID: VA242-17-AP-0044

1. **Contracting Activity:** Department of Veterans Affairs, VISN 02, James J. Peters VA Medical Center, 130 W Kingsbridge Rd. Bronx, New York 10468.
VA2237# 630-17-2-055-0004
2. **Nature and/or Description of the Action Being Processed:** The requirement is to procure an Evidence-Based Online Clinical Resources Database to UpToDate Inc. This is a request for sole source procurement for a commercial item utilizing Simplified Acquisition Procedures (SAP). The procurement is for Firm-Fixed-Price type contract including a base year plus four one-year options. Options will be priced upfront. The total estimated cost, including options, is \$607,780.00
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** VA New York Harbor Healthcare System (VANYHHS) requires annual subscription to UpToDate (UTD) database, which is an Evidence-Based Online Clinical Resources. UpToDate is a comprehensive, integrated differential diagnosis and treatment database to all providers and any other staff as needed who work at any location in VA New York Harbor Health care System including remote access. The information provided by UpToDate is web-based and available on a 24/7 basis. Subscription to UpToDate database is a recurring requirement and has been a key component providing decision support to provide an optimal patient care for veterans; therefore, including options will be more advantageous and cost effective to the Government in lieu of procuring every year.
Period of Performance:
 - Base Year: 03/01/2017 to 02/28/2018
 - Option Year One: 03/01/2018 to 02/28/2019
 - Option Year Two: 03/01/2019 to 02/29/2020
 - Option Year Three: 03/01/2020 to 02/28/2021
 - Option Year Four: 03/01/2021 to 02/28/2022
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):** UpToDate is an evidence-based, physician authored clinical decision support resource which clinicians trust to make the right point-of-care decisions. It is a unique clinical knowledge resource with a proven track record on quality of care and patient safety. UpToDate has rigorous editorial standards across a breadth of primary care and clinical specialty areas. UpToDate enables providers to access current peer-reviewed guidelines and to base patient treatment on established standards of practice, usually offering graded evidence in the summary and recommendation section of over 10,500 topic reviews.

More than 6,000 world-renowned physician authors, editors and peer reviewers use a rigorous editorial process to critically evaluate available medical literature to produce original content in a succinct, searchable format that can be quickly and easily accessed at the point-of-care. UpToDate has been the subject of more than 60 research studies confirming that widespread usage of UpToDate is associated with improved patient care and hospital performance. Of all clinical knowledge resources used at the point of care, UpToDate is most frequently pointed to as the best resource in such studies, published in high quality peer reviewed journals demonstrating an impact on patient safety, reduced hospital complications, improved hospital efficiency, and improved medical knowledge acquisition.

UpToDate has specific significance to health care professionals as an information resource integrated with CPRS and is used at the point-of care by VHA physicians, nurses, psychiatrists, psychologists, social workers and other clinical staff in providing patient care.

UpToDate allows users to find evidence-based answers very easily with targeted links to the sections and graphics most likely to answer their clinical questions. UpToDate synthesizes data and creates a narrative from over 26 million monthly topic views. Navigating UpToDate is even more intuitive with features like Drug Interactions and Practice Changing Updates on each page.

Furthermore, UpToDate is the primary and most trusted clinical information tool used by physicians and residents at the VA New York Harbor Healthcare System and many affiliated academic and medical institutions, hospitals, and clinics that also provide care to veterans and their families.

UpToDate offers consistent and reliable information at the point-of-care regardless of the provider and location. Based on usage statistics, UpToDate is one of the most widely used sources of clinical information in VHA and has been used for many years by clinicians and others in the New York Harbor Healthcare facilities in treating patients and for educating patients on their treatment.

UpToDate is also unique when it comes to breadth of primary care and clinical specialty topics since its database provides over 10,500 topic reviews each of which answers multiple clinical questions. Its leading competitor, Dynamed Plus, provides approximately 5300 topic reviews. There have been over 60 independent studies published linking the use of UpToDate to improved outcomes, enhanced patient safety and decreased mortality.

Accordingly, UpToDate Inc. is the only firm capable of providing the services described in Section 3 above without the Veteran's 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 practicable:**

Sources Sought Synopsis: A sources sought synopsis, VA242-17-N-0093, was posted in FBO from November 9th through November 16th, 2016. The search resulted the following:

- James Elwell: This vendor didn't reveal his company's name, but claimed to sell Micromedex which is an evidence-based online resource. A review by the COR revealed that Micromedex is a

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web-based resource that is used for drug therapy only, and doesn't offer topic reviews in medicine.

- CSP Management LLC: Capability statement does not provide information that suggests this vendor offers evidence-based online clinical resources. Although, its service includes database and applications designs, it does not have an already developed evidence-based online clinical resources database. CSP Management LLC also offered to resell the UpToDate database or build a system that would fit VANYHHS needs. However, UpToDate Inc. confirmed that they do not utilize third party distributors or vendors and that any claims by a 3rd party to be able to provide access to UpToDate content would be false. Additionally, VANYHHS is not looking into building an evidence-base resources database.
- Solicitation VA242-16-Q-1098 for same type of scope of work for the James J. Peters VAMC returned two vendors, Work Loss Data Institute LLC and UpToDate Inc. Technical evaluation found that the former didn't meet the technical requirement and pricing was significantly higher than IGCE. Furthermore, according to VANYHHS's COR, Work Loss Data is to provide evidence for Human Resources personnel on employees returning to work, not to support clinical decision-making in outpatient and inpatient settings. Work Loss Data provides evidence-based information, but does not provide medical reviews appropriate at the point of care, therefore, it is not a point-of-care tool, which the service is seeking.

Request for Information (RFI): A request for information (RFI), RFQ1154151, was posted in GSA from November 9th through November 16th, 2016. The search returned zero results.

Other Actions: Other actions taken to facilitate competition include a trial period with Dynamed Plus by EBSCO which is UpToDate's leading competitor. The trial showed a result of 115 searches by clinicians over the span of nearly four weeks, with clinicians noting the lack of depth and content coverage in DynamedPlus. According to the COR's conversations with Rob Swenson (Senior Account Executive for EBSCO Health) on August 24th and October 14th, Dynamed Plus provides nearly half the content reviews that UpToDate provides, which the COR states is also apparent from VANYH's UpToDate usage: in FY16, the clinical decision-support tool averaged between 10,000 to 12,000 searches per month.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable**: Recent procurements for same scope of work through the same vendor shows the price was determined fair and reasonable. Additionally, before making an award, the Contracting Officer will compare proposed pricing with IGCE and previous contracts with VANYHHS and other sites within VISN 2.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted**: As described in Section 6 above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition**: UpToDate, Inc. is the sole proprietor of UpToDate content. Access to its database requires a license and it is not available through third party vendors.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: Sources that responded to sources sought VA242-17-N-0093 are:

- Jams Elwell - Micromedex
- CSP Management LLC

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: Network Contracting Office (NCO 2) will post a notice of intent to sole source, which will include the scope of work so other vendors will be aware of the requirements for 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.

_____	_____01/05/2016_____
Peter Cole	Date
Chief, Learning Resources	
New York Harbor Healthcare System	

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

- 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.

_____	_____
Lawrence Unger	Date
Contracting Officer, NCO 2	
James J. Peters VAMC	

- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

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Cherie Widger-Kresge
NCO 2 Director of Contracting or Designee

Date

- c. **VHA SAO HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$13.5 million) or approve (\$700K to 13.5 million) for other than full and open competition.

Name
VHA Head of Contracting Activity (HCA)

Date

- d. **VA Deputy Senior Procurement Executive Approval (over \$13.5 million but not exceeding \$68 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Name
Deputy Senior Procurement Executive (DSPE)
Office of Acquisition and Logistics
Department of Veterans Affairs

Date

- e. **VHA Senior Procurement Executive Approval (over \$68 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Jan R. Frye
Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

Date