

LIMITED SOURCES JUSTIFICATION

ORDER >\$150,000

FAR PART 8.405-6

Acquisition Plan Action ID: VA258-17-AP-2384

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

Restricted to the following source: Provide original manufacturer's name for material or contractor's name for service. (If a sole source manufacturer distributes via dealers, ALSO provide dealer information.)

Manufacturer/Contractor: Cox Subscriptions, Inc. dba WT Cox Subscriptions

Manufacturer/Contractor POC & phone number: Debi Knox, 800-571-9554 x215

Mfgr/Contractor Address: Shallotte, NC 28470-4441

Dealer/Rep address/phone number: dknox@wtcox.com

☒ The requested material or service represents the minimum requirements of the Government.

(1) AGENCY AND CONTRACTING ACTIVITY:

Department of Veterans Affairs

Network Contracting Office (NCO) 18

Southern Arizona VA Health Care System (SAVAHCS)

VISN: 22

(2) NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:

The NCO 18 Contracting Office proposes a limited sources, firm-fixed price task order with Cox Subscriptions, Inc. for subscription access to the Micromedex Clinical Decision Support Software Package 12.

(3) (a) A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:

This procurement is for 24/7 access to clinical references available to medical providers to aid in the provision of health care services to Veterans. This medical reference provides clinical information in areas including but not limited to drug information, intravenous drug compatibility, drug interactions, material data safety sheets (MSDS), and other various clinical resources. Clinical providers in NCO 18 require online web access to searchable medical references for quick and easy retrieval of up to date and evidence based drug and medical information for health care providers and patients.

(b) ESTIMATED DOLLAR VALUE: (Base Year), (if option year is exercised)

(c) REQUIRED DELIVERY DATE: April 1, 2017

(4) IDENTIFICATION OF THE JUSTIFICATION RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE. (CHECK ALL THAT APPLY AND COMPLETE)

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☐ Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

Not applicable.

☐ A patent, copyright or proprietary data limits competition. The proprietary data is: (If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

Not applicable.

☐ These are "direct replacements" parts/components for existing equipment.

Not applicable.

☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

Not applicable.

☒ The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

This procurement is a logical follow-on of task order GS-02F-0147T, VA258-13-F-0778 which provides the same Micromedex electronic medical reference subscription and expires March 31, 2017. This task order was previously competed amongst GSA contract holders in category 76 for Publication Media and resulted in two proposals. One proposal was received from the incumbent, a small business, and the other from a large business. The best value source selection resulted in award to Cox Subscriptions, Inc. based upon an excellent rating of their technical proposal and substantial confidence in their ability to perform after review of their past performance documentation. PPIRS was reviewed to confirm that the incumbent has continued to perform well. There are 68 past performance evaluations recorded in PPIRS which consist of 188 satisfactory ratings, 54 very good ratings, 18 exceptional ratings, and 80 not applicable ratings. This confirms that Cox Subscriptions, Inc. has continued to perform well with no ratings below satisfactory recorded.

☒ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

The existing contract GS-02F-0147T, VA258-13-F-0778 for a Micromedex electronic medical reference subscription service expires March 31, 2017. The current contract covers the seven stations in what was VISN 18. Since the VA wide realignment, 4 of those stations remain in NCO 18 and have been combined with 4 stations in what was VISN 22 to create what is now 8 stations in VISN 22. Concurrently, VISN 22 had a similar procurement for a Micromedex subscription which expired February 28, 2017. NCO 18 began inquiring about replacement of its expiring Micromedex contract in late 2016 and on December 15, 2016, was informed by the NCO 22 Supply Branch II Chief David Chakka that the NCO 22 contract specialist Ralph Fontela would be handling the recompetes of the Micromedex requirement for both NCOs 18 and 22. On February 13, 2016, Mr. Fontela informed NCO 18 that he would not be able to award a contract for all 8 stations as originally discussed and requested that NCO 18 extend its existing contract for one year (through 03/31/2018) in order to allow him time to prepare for, and award a contract for all 8 stations. In the meantime, Mr. Fontela would award a new call order against their BPA

for this service to cover their requirement. The existing NCO 18 contract has no options left to exercise and will expire on March 31, 2017. Given the short turn-around, the NCO 18 contracting officer began preparing to award a sole-source procurement to the incumbent contractor in order to retain the Micromedex subscription with no break in service. All 4 correct 2237s and acquisition package documents were received by the contracting officer on March 7, 2017.

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.4 TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

The incumbent contractor represents the best, and most efficient option for retaining a quality Micromedex subscription service without a break in service. The limited time available for procuring a replacement service upon expiration of the existing contract does not afford the opportunity for a full and open competition. Any break in this service would compromise the ability of the 4 VA hospitals in NCO 18 to provide care for its Veteran patients. Additionally, and as discussed above, the incumbent contractor has provided four years of high quality service on the existing contract, has continued to receive satisfactory or higher performance ratings, and only had one competitor in the last competition (leading up to the current contract) whose technical proposal was ultimately rated as marginal. Finally, per the e-Library FAQs "GSA schedule contracts are negotiated with the intent of achieving the contractors' 'most favored customer' pricing/discounts under similar conditions;" as such, it is believed that the GSA pricing represents the best available cost for obtaining this service.

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

As discussed above, the short notice for preparing a replacement of the existing Micromedex subscription contract does not allow enough time to complete a full competition and suggests that a sole-source procurement is the best method for retaining services for the care of Veterans. The GSA e-library was accessed and it was confirmed that the GSA contract GS-02F-0147T with Cox Subscriptions, Inc. remains active through August 19, 2017. No further market research was conducted.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

As mentioned in paragraph 6 above, the GSA contract GS-02F-0147T with Cox Subscriptions, Inc. remains active through August 19, 2017. The GSA e-Library confirms in its FAQs that an order can extend beyond the term of the contract as a result of clauses 52.216-18 and 52.216-22 which are included in the Micromedex contract. "52.216-18 states that orders may be issued through the contract expiration date. This means that on the last day of the effective period of the contract an order may be issued. Clause 52.216-22 states that if an order is not completed within the effective period of the contract that it shall be completed within the time specified in the order. In February 2016, GSA modified some Schedule contracts to include the base FAR clause 52.216-22 INDEFINITE QUANTITY (OCT 1995) to allow options on orders to be exercised after the effective period." A review of clause 52.216-2 as included in contract GS-02F-0147T shows in paragraph (d) of the clause that "any order issued during the effective period of this contract and not completed within that period shall be completed by the Contractor within the time specified in the order. The contract shall govern the Contractor's and Government's rights and obligations with respect to that order to the same extent as if the order were completed during the contract's effective period; provided, that the contractor shall not be required to make any deliveries under this contract after the completion of customer order, including options, 60 months following the expiration of the basic contract ordering period." As such, VISN 18 may issue a task order against contract GS-02F-0147T which extends beyond the expiration of the contract, and may also exercise the one option year to be included (if required) since the ultimate potential duration of 24 months is less than the "60 months following the expiration of the basic contract ordering period" as

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stated in 52.216-22 of the GSA contract.

(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

Not applicable.

(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

Mark W Simmons 167415

Digitally signed by Mark W Simmons 167415
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Date: 2017.03.10 08:35:09 -07'00'

SIGNATURE

DATE

MARK SIMMONS

MEDICAL LIBRARIAN

LIBRARY DEPARTMENT

NAME

TITLE

SERVICE LINE/SECTION

PVAHCS

FACILITY

(10) 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.

NICHOLAS A. LEBANO 635991

Digitally signed by NICHOLAS A. LEBANO 635991
DN: dc=gov, dc=va, o=internal, ou=people, 0.9.2342.19200300.100.1.1=nicholas.lebano@va.gov, cn=NICHOLAS A. LEBANO 635991
Date: 2017.03.10 08:40:20 -07'00'

CONTRACTING OFFICER/DESIGNEE'S SIGNATURE

DATE

NICK LEBANO, CONTRACTING OFFICER

NCO 18

NAME AND TITLE

FACILITY

b. Director of Contracting/DESIGNEE: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Daniel C.

Thiel 187654

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Date: 2017.03.10 15:41:04 -07'00'

SIGNATURE

DATE

DANIEL THIEL

DIVISION CHIEF I