

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
23 Christopher Way  
Eatontown, NJ 07724
2. Description of Action: The proposed action is for a 6-month firm fixed-price (FFP) order under National Aeronautics and Space Administration Solutions for Enterprise-Wide Procurement V Governmentwide Acquisition Contract (NASA SEWP V GWAC) for the renewal of software maintenance and support of the Medication Reconciliation (MedRec) Tool for the VA Veterans Health Administration (VHA) Veterans Integrated Service Network (VISN) 11.
3. Description of Supplies or Services: The proposed action is for the renewal of software maintenance and support for the MedRec Tool software at eight sites (Station 506, 515, 550, 553, 583,655, and 615 (Both Ft. Wayne and Marion campuses)), and 30 Community Based Outpatient Clinics located throughout VISN 11. The MedRec tool was created specifically for the VISN 11 Veteran Health Information Systems Technology and Architecture (Vista) medication reconciliation software tool. The MedRec tool is the only known tool that can be fully integrated with the Vista/Computerized Patient Record System (CPRS). The tool also has the ability to assist with VA-specific workflow for all health providers such as specific lists for clinical pharmacists that allow them to decide which medications a patient may need upon discharge. These lists have been specifically designed to pull information from the VA pharmacy and would not be included in a standard medication reconciliation product. The ability for the tool to interface with Vista/CPRS and incorporate VA-specific provider workflow is vital as the end product list will need to pull and push information between Vista/CPRS and the software tool in order to promote patient safety. MedRec is the only known tool that aggregates medications from multiple VA sites, i.e., other VA medical centers and outpatient clinics, inpatient medications, outpatient medications, suspended/inactive/expired medications, non-VA medications, as well as remote medications found in the separate program Vista Web. The tool then constructs an intuitive single display of medications which allows for a complete, efficient and rational review of a patient's entire prescription medication history and is the basis for perfect reconciliation of these medications. This tool will allow physicians to have a complete picture of the patient's medical history so they can make more informed decisions on future treatment. The tool is both physician-centric and patient-centric because the generated patient-friendly medication list specifies new, changed, or discounted medications which can be given to the patient if so desired. Prior to possessing this capability, pharmacists and physicians using CPRS had to reconcile medications by frequently relying on incongruent medication lists, which increased the potential of committing a significant medication error and jeopardizing patient

Medication Reconciliation Tool Software Maintenance Support Renewal  
Control Number TAC-17-42914

safety. Software maintenance support requirements include 24 hours per day, 365 days per year help desk support by phone and email; remote and on site software fixes when issues are detected as well as version releases, patches and updated on a quarterly basis. The period of performance is 6 months. The total estimated value of this action is \$ [REDACTED].

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(B) entitled, "Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized."

5. Rationale Supporting Use of Authority Cited Above: Based on market research, described in section 8 of this document, it was determined there is one authorized reseller, GMC Tek, LLC., of the required brand name Avicenna MedRec Software Maintenance and Support. Avicenna owns the proprietary code for the MedRec Tool and due to its complexities; the Government does not possess the capability to develop an adequate competitive technical data package. Avicenna has granted GMC Tek, LLC., a Small Business authorized reseller, the ability to resolve technical problems and/or provide maintenance and support. Therefore, only Avicenna or its sole authorized reseller, GMC Tek, LLC. are the only known sources with access to the proprietary Avicenna software code with the capability of providing the level of support required under this action to ensure mission critical requirements are handled in a timely manner. Any other source would need access to the aforementioned proprietary Avicenna software code to provide the software maintenance support for the Avicenna software licenses. The proprietary Avicenna software code allows only Avicenna or its sole authorized reseller the ability to alter or modify the Avicenna software source code utilized in managing the software thereby allowing it to function properly under the current proprietary based infrastructure.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. It was determined competitive pricing is available through an authorized reseller for the required Brand Name Avicenna Medical Systems, Inc. Medication Reconciliation Tool Software Maintenance and Support. In accordance with (IAW) FAR 5.301 and 16.505(b)(2)(ii)(D)(1), the notice of award for this action will be synopsisized on the Federal Business Opportunities Page and the justification will be made publicly available within 14 days of award. IAW 16.505(a)(4)(iii)(A), this justification will be posted with the request for quote on the NASA SEWP V GWAC website.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed. In October of 2016 VISN 10 and VISN 11 merged into one "new" VISN 10. In October of 2017 VISN 10 OI&T will be facilitating

Medication Reconciliation Tool Software Maintenance Support Renewal  
Control Number TAC-17-42914

the consolidation of the two MedRec contracts from VISN 11 and VISN 10 into one combined "new" VISN 10 MedRec contract.

8. Market Research: The Government's technical experts conducted market research through internet searches in March 2017, by reviewing similar tools and available software products to ascertain if other brands could meet the VA's software support and maintenance requirements. Avicenna owns the proprietary code for the MedRec Tool and due to its complexities; the Government does not possess the capability to develop an adequate competitive technical data package. Avicenna has granted GMC Tek, LLC., a Small Business authorized reseller, the ability to resolve technical problems and/or provide maintenance and support. The Government's technical experts conducted web-based research on the most similar tool available in the market place, a Medical Reconciliation product developed by Patient Keeper. However, this tool lacks a critical component of VA's technical requirement as it does not interface with Vista/CPRS and Patient Keeper does not have access to the proprietary source code required to provide the maintenance and support. There are no other known vendors that can provide the software level maintenance requirements due to the proprietary application and interface of the MedRed tool.

Additional market research was conducted in March 2017, utilizing the NASA SEWP V GWAC provider lookup tool. Based on this research, the Government's technical experts have determined there is only one authorized reseller that offers the brand name Avicenna MedRec software maintenance and support. Therefore, the Government's technical experts have determined that only Avicenna, or its sole reseller, GMC Tek, LLC. can meet all of the Government's technical requirements.

9. Other Facts: None.

Medication Reconciliation Tool Software Maintenance Support Renewal  
Control Number TAC-17-42914

10. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

[Redacted]

Date: 5/9/17

IT Project Manager

Signature: [Redacted]

11. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on anticipated price discounts from GMC Tek, LLC, a NASA SEWP V GWAC holder who is the sole reseller of the required brand name software maintenance and support for the MedRec Tool software. Additionally, NASA SEWP V GWAC holder catalog prices have already been determined to be fair and reasonable. Finally, price analysis shall be conducted by comparing the proposed prices to the Independent Government Cost Estimate.

[Redacted]

Date: 5/10/2017

Procuring Contracting Officer

Signature: [Redacted]

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief. As this contract action does not exceed \$700,000, the certification below required by VAAR and FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

[Redacted]

Date: 5/10/2017

Procuring Contracting Officer

Signature: [Redacted]