

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 firm-fixed-price delivery order to be issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government Wide Acquisition Contract (GWAC) for renewal of maintenance of Becton-Dickenson and Company (doing business as CareFusion Corporation) (CareFusion) Pyxis® software products.

3. Description of the Supplies or Services: VA Veterans Health Administration Office of Informatics and Analytics, Bar Code Resource Office, has a requirement for renewal of maintenance with associated support services for the following CareFusion Pyxis® software products: Med Administration Verification VA (MAV) and Pyxis® Nursing Data Collection (NDC) VA, which shall become end of life upon completion of this proposed effort. This software is currently deployed and being actively used in 10 VA Medical Centers, and VA is currently taking steps to transition off the CareFusion software. This proposed effort will provide software maintenance support to include software upgrades, bug-fixes and error corrections, minor-release upgrades, virus updates, minor enhancements or modifications to existing features (i.e. to enhance the security or operation of the software), until VA can successfully transition off the software. No additional software will be procured under this proposed order, and is for the explicit renewal of software maintenance. Included in this maintenance, the Contractor shall provide monthly reporting pertaining to performance issues with the software and steps being taken to mitigate.

The base requirement shall cover the following four (4) sites: Sam Rayburn Memorial Veterans Center (Bonham, TX); VA Boston Healthcare System (Brockton, MA); Dallas VAMC (Dallas, TX); and VA Boston healthcare System West Roxbury Campus (West Roxbury, MA) The remaining six (6) sites to be covered as optional tasks are as follows: C.W. Bill Young VA Medical Center (VAMC) (Bay Pines, FL); Danville VAMC (Danville, IL); VA Loma Linda Healthcare System (Loma Linda, CA); VA Pittsburgh Healthcare System (University Drive Campus) (Pittsburgh, PA); VA Pittsburgh Healthcare System (H. J. Heinz Campus) (Pittsburgh, PA); and Audie L. Murphy Memorial VA Hospital (San Antonio, TX). The period of performance is for a 6-month base period, with one 6-month option period, which shall be prorated. As stated above, there are multiple optional tasks, which shall be concurrent with the period of performance.

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) 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, as described in section 8 of this justification, it was determined that limited competition is possible among authorized resellers for CareFusion Pyxis® maintenance support from the OSD. VA owns perpetual licenses for the MAV and NDC applications that were currently in production at 14 sites. VA is in the process of transitioning off the CareFusion Pyxis® software at these sites, and have completed four (4) sites to date, thus the ten (10) remaining sites. The renewal of the maintenance for the licenses will provide VA the ability to continue to use the aforementioned CareFusion Pyxis® products and receive the requisite software maintenance until the field can successfully transition off the CareFusion products. The required software maintenance to be renewed under this effort would require access to CareFusion Pyxis®'s proprietary code and therefore only the Original Software Developer (OSD) or its authorized reseller can perform the required maintenance services. Specifically, failure to renew CareFusion maintenance, as described in section 3, would result in the current version of software being outdated and unable to be updated or fixed through pushes/patches from CareFusion or an authorized reseller. As detailed below, the CareFusion Pyxis® applications mimic the workflow of VA-developed applications. When updates are made to VA-developed applications, CareFusion Pyxis® simultaneously produces updates to its applications to ensure the two applications retain synchronized functionality. Without these updates, the software becomes unreliable and may negatively impact patient safety due to differences in functionality between the vendor and VA-developed applications. For example, the upcoming software patch to BCMA contains new functions to support transdermal medication administration (including a reminder to remove the medication at a specific time). If CareFusion Pyxis® does not create a patch to the MAV product to mimic this functionality the nurse may not receive the warning in the MAV application resulting in an overdose. Additionally, any provider of maintenance would require access to the proprietary code to successfully configure and develop any fixes and patches. Based on Market Research stated in section 8 of this document, only CareFusion Pyxis® has access to the proprietary code, and therefore only CareFusion, or an authorized reseller, are the only sources that can provide the required maintenance.

Furthermore, CareFusion Pyxis® software is still the only product that can satisfy VA's functional requirement to follow clinical workflows specific to VA and applications already in use by VA. CareFusion Pyxis® applications were specifically designed to mimic these workflows. For example, the MAV application is designed to mimic the exact workflow already used for VA's BCMA application, and the NDC application is designed to mimic the exact workflow of the VA's Vitals Graphical User Interface (GUI) 5.0 application. Additionally, only CareFusion Pyxis® applications use point-of-care technology, a VA functional requirement. This means that these applications use the VA's wireless network to allow clinical staff to positively identify patients at the bedside or chairside and subsequently match the patient to orders the clinician prepares. Also, no other product supports the full breadth of requirements for clinical processes and documentation requirements required by VA. For example, other applications are only used to document vital signs, blood product transfusion, or medication administration, but cannot perform all three together in one solution like the CareFusion Pyxis®

products, which is a VA functional requirement. This will allow all features to work on the same device, rather than multiple devices. Finally, due to the sensitive nature of the healthcare information being transmitted, all information must be transmitted securely using encryption that meets FIPS 140-2. Finally, CareFusion Pyxis® provides the only applications that meets the FIPS requirement.

Accordingly, the Government must renew the required maintenance and support services from CareFusion Pyxis® or its authorized resellers as described above.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in section 8 of this justification. This effort did not yield any additional sources that can meet the Government's requirements. It was determined, however, limited competition may exist among authorized resellers on the NASA SEWP V GWAC provide the required maintenance renewals. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized on the Federal Business Opportunities Page and this Justification will be made publicly available within 14 days of award.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be competed. Any potential future actions are anticipated to be competitively awarded.

8. Market Research: In April 2017, the Government technical experts conducted market research, reviewing software product offerings from Omnicell Nursing, Cardinal Health, McKesson, Hospira, and Cepheid. The Government technical experts determined that none of the above sources can provide the required maintenance services as discussed in section 5. Therefore, only CareFusion maintenance provided by the OSD, or through an authorized reseller will satisfy the Governments requirements as discussed in section 5.

Further, in May 2017, the Government contacted CareFusion directly to ascertain the possibility of procuring the required CareFusion support through any reseller, any existing contract, or any General Services Administration schedule. CareFusion stated that the required software maintenance is only available from MicroTechnologies, LLC (MicroTech), and based on market research, the only established contract vehicle that VA can leverage for the required software maintenance is NASA SEWP V GWAC. A search of the NASA SEWP V GWAC Provider Lookup tool revealed that additional resources have provided CareFusion products previously, however, none of these additional sources are authorized reseller, nor have been confirmed to have a relationship with the OSD. Therefore, limited competition may be possible for this effort.

9. Other Facts: None.