

JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity: Department of Veterans Affairs
Office of Acquisition Operations
Technology Acquisition Center
260 Industrial Way West
Eatontown, NJ 07724
2. Description of Action: The proposed action is for a six (6) month, Firm-Fixed-Price (FFP) contract for further contractor operational support to continue the development and implementation of the Open Source Electronic Health Record Agent (OSEHRA) software development community.
3. Description of Supplies or Services: The proposed action will provide for contractor operational support for the OSEHRA, the Custodial Agent which was previously established under Contract GS-35F-0738N, VA118-11-F-0067. Contractor operational support includes establishing OSEHRA with the necessary staff, accounting capability, and other business systems. OSEHRA, is the Custodial Agent and a new 501(c) not-for-profit organization established under the original order that allows VA and Department of Defense (DoD) to establish an open source software development community for the Electronic Health Record (EHR) software. This open source software development community allows Government agencies, industry, educational institutions, and software developers to come into the open source community and contribute software code. This software code can ultimately be utilized to allow VA and DoD to develop and improve Veterans Health Information Systems and Technology Architecture (VistA) based EHRs, the integrated EHR (iEHR) program (the development of a common EHR involved both VA and DoD), and related tools. OSEHRA will ultimately certify the software code. This certification process includes testing the software code to ensure it meets VA's needs, operates as intended and meets the standards established by the Custodial Agent. All software code contributed to the open source community for integration into the evolving VistA code base must be certified by the Custodial Agent before acceptance. The Custodial Agent also certifies interoperability of complimentary software contributed to the open source community to improve or enhance the VistA code base. The total estimated price of the proposed action is :
4. Statutory Authority: The statutory authority permitting other than full and open competition for this acquisition is 41 U.S.C. 253(c)(5), "when a statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source," as implemented by FAR 6.302-5. For this action, 38 U.S.C. 8127(c), known as the Veterans First Contracting Program, provides the authority to directly contract with a Service-Disabled Veteran-Owned Small Business (SDVOSB).

5. Rationale Supporting Use of Authority Cited Above: The proposed source for this action is Ray Group International (RGI), LLC, 100 South Ashley Drive, Suite 1700, Tampa, Florida, 33602-5362. RGI currently provides world-class Software Engineering Support services that will meet the needs to continue development and implementation of the OSEHRA software development community. VA EHR Open Source Custodial Agent project staff and technical representatives have determined that RGI possesses the requisite capabilities, knowledge and expertise to provide the support services described herein. The RGI staff is considered capable of performing the required support services facilitating independent operation of an open source software development community as they consist of highly experienced project managers, analysts, developers, configuration managers, testers and Subject Matter Experts with strong skills and knowledge. RGI has extensive software engineering and development expertise to facilitate operational and financial independence of OSEHRA as an open source software development community. Based on the above information, the Government has determined that RGI is capable of meeting all of VA's requirements.
6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Consistent with the guidelines of the Veterans First Contracting Program, the proposed action described herein will be synopsisized on the Federal Business Opportunities Page in accordance with FAR Part 5.
7. Actions to Increase Competition: All future requirements will be handled on a case-by-case basis to determine any future acquisition strategy.
8. Market Research: Market research was conducted by searching the VetBiz.gov database on May 8, 2012 to determine if RGI is a SDVOSB. This search concluded that RGI is registered and verified in the VetBiz.gov database through January 11, 2013 and qualifies as a SDVOSB in accordance with federal small business size standards for the applicable North American Industry Classification System code 541512. Additionally, a search in the Central Contractor Registration (CCR) performed on May 8, 2012 showed that RGI is registered under CCR. Based on this market research and the rationale in paragraph 5 above, the Government's technical experts have determined RGI is an SDVOSB and can meet the Government's requirements.
9. Other Facts: The Contracting Officer has determined that this procurement meets all the requirements of statute 38 U.S.C. 8127(c). This procurement is below the \$5,000,000 threshold, RGI is a responsible SDVOSB, and a fair and reasonable price will offer best value to the Government.