

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 the issuance of a firm-fixed-price task order under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) Government-wide Acquisition Contract (GWAC) for brand name Document Storage System Inc. (DSS), Clinical Note Templates (CNT) software license, software installation, implementation and training services.
3. Description of the Supplies or Services: The Veterans Health Administration (VHA) Radiation Oncology has a requirement for the development of standardized CNT in Veterans Health Information Systems and Technology Architecture (VistA) Computerized Patient Record System (CPRS) for the management of Veteran patients receiving radiotherapy at any of the radiation oncology service within VHA. The Contractor shall develop the CNT for pilot testing at Richmond VA Medical Center (VAMC) Radiation Oncology for the National Radiation Oncology Program. The clinical data elements abstracted from these templates will provide the framework for the assessment of quality of radiotherapy provided within VHA and allow it to be compared with national benchmarks. A set of standardized radiation oncology clinical templates for a single disease site shall be developed and implemented in VistA CPRS at Richmond VAMC as the pilot test site. The first phase of the project includes the development and deployment of seven Radiation Oncology CNTs for prostate cancer, namely the Consult, Simulation, Pre-treatment Checklist, Treatment Plan, On-Treatment, End of Treatment and Follow-up. These templates shall be designed so that the data entered in any CNT, which is redundant in subsequent CNTs is auto-populated seamlessly. Each CNT shall be electronically checked for missing data elements and data values that are outside of permissible range. The radiation oncology CNT module shall integrate seamlessly with the CPRS/Vista template drawer. Automatic calculation of assessment scores and graphical indication of treatment progress would be desirable in these templates. The Contractor shall provide functionality in the software to export abstracted data elements from the templates to a central Structured Query Language (SQL) database server. The data export to a SQL database server shall be at some defined time points and with a pre-defined logic. The graphical user interface (GUI) for radiation oncology CNTs shall be organized with each tab containing a template. The period of performance shall be from September 30, 2017 through April 30, 2018. The total estimated price of the proposed 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, as described in section 8 of this justification, it was determined that limited competition is available among authorized resellers for the required software license, software installation, implementation and training services. The current CNT project is based on existing DSS CNT software deployed within VA that is integrated with VistA/CPRS. VA requires additional DSS CNT software licenses, software installation, implementation and training services compatible with the existing functionality for continued operational availability. Due to the proprietary nature of the software code in the existing CNT project, which is comprised of DSS software, only DSS software will meet VA's requirements due to compatibility and interoperability requirements with the existing project operations and infrastructure. Only DSS or a DSS reseller can provide the necessary software license, software installation, implementation and training services. No other manufacturer's licenses are compatible, functional, or interoperable with the existing DSS software and project infrastructure that is integrated with VistA/CPRS. Failure to acquire the required software license, software installation, implementation and training services would cause an immediate risk to the CNT project. Without the aforementioned proprietary source code, no source other than DSS and its resellers can meet VA's needs. The additional DSS CNT software is vital to VA for continued sustainment of the CNT environments as it provides standardized radiation oncology clinical templates for disease sites and the clinical data elements abstracted from these templates provide the framework for the assessment of the quality of radiotherapy provided within VHA.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in in section 8 of this justification. Limited competition is anticipated for the required software licenses, software installation, implementation and training services. In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), the award will not be synopsisized and the justification will not be posted on the Federal Business Opportunities Page due to the estimated dollar value of this action being under the simplified acquisition threshold. However, this justification will be submitted to all applicable NASA SEWP V GWAC holders along with the Request for Quotation in order to fully notify all interested parties.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the agency will work with the program office to perform additional market research in a timely manner so that alternate solutions can be considered should they become available.

8. Market Research: The Government's technical experts conducted market research from June 2017 through August 2017 to ascertain the ability of any other source to provide the aforementioned software licenses, software installation, implementation and training services. The research consisted of reviewing various software providers with CNT licenses, specifically, Varian Medical Systems and Elekta Oncology. Based on the market research conducted by the Government's technical experts, it has been

determined that no other brand of software licenses can meet the Government's requirements due to the need to access the source code and other proprietary data of the existing DSS software licenses. Additionally, unauthorized software providers do not have access to the proprietary data of the software to be able to provide installation, implementation and training services. Only DSS or its authorized resellers have access to the source code of the software to provide the necessary support.

The NASA SEWP V GWAC has a dynamic catalog where line items can be added based on customer requests; therefore, as long as the required item or service is within scope of the NASA SEWP V GWAC, items and services can be added to the catalog on a daily basis. This requirement has been found to be within scope of the NASA SEWP V GWAC in a separate determination. There is reasonable expectation that limited competition exists on the NASA SEWP V GWAC amongst Group B(2) SDVOSB concerns for the required software license, software installation, implementation and training services. Therefore, the request for quotation for this requirement will be submitted to Group B(2) SDVOSB contract holders under North American Industry Classification System code 541519.

9. Other Facts: None.