

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

### 1. Contracting Activity:

Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Strategic Acquisition Center – Frederick  
321 Ballenger Creek Drive, Suite 125  
Frederick, MD 21703

### 2. Description of Action:

This Justification for Other than Full and Open Competition seeks approval to proceed with a sole source purchase for services with The National Hospice and Palliative Care Organization (NHPCO). The services to be provided will support the growth and sustainment of the following strategically paired set of initiatives that link the Veterans Health Administration (VHA) with complementary programs available in the non-VA community:

- The “We Honor Veterans” (WHV) national campaign engages community agencies in the care of Veterans, especially those at end of life; and
- Veteran-Community Partnerships (VCP) capitalize on existing community-based motivation for supporting Veterans’ needs to bring together and empower groups of VA and non-VA personnel pursuing enhanced access to VA services by Veterans residing in the community.

NHPCO is the incumbent contract holder that currently supports VA with the above referenced initiatives under VA contract number VA119A-15-C-0044. The existing contract, which was previously awarded under a sole source procurement, expires on September 29, 2017. In the previous award to NHPCO, market research supported the justification to make the sole source award to NHPCO. As in the previous procurement, market research indicates that NHPCO is the only vendor with the capability for continuing VA’s initiatives following expiration of the existing contract. NHPCO is the only organization with the expertise, experience, and qualifications necessary to ensure continued growth and success of the WHV and VCP initiatives. A firm fixed price contract is anticipated to be awarded to NHPCO for program support services for three 12-month periods of performance, each period with its own set of deliverables designed to incrementally move each program toward independent functions – WHV within NHPCO and VCP within VHA – by the end of the third year.

### **3. Description of Supplies or Services:**

There are currently over 22 million living Veterans of the armed services in the United States. Over nine million of them are enrolled with the Department of Veterans Affairs (VA) and over six million each year are served by the health care arm of VA, the Veterans Health Administration (VHA). Over 70% of this last group also receives health services from non-VA sources, yet mechanisms for coordinating VA and non-VA services are haphazard and incomplete, frequently resulting in redundant, conflicting, interrupted and therefore needlessly costly and delayed health care. More than 600,000 Veterans die each year but only about 3% of them do so in VA facilities. The WHV and VCP programs are critical to ensure a maximum number of Veterans and their families are aware of end-of-life the services and resources that are available to them. Following is additional information on the history and future of the WHV and VCP programs:

#### WHV Program

The purpose of the WHV national campaign is to improve Veterans’ access to high quality hospice and palliative care. Over the course of the previous contract vehicles with NHPCO, the nation’s largest member organization for hospice and palliative care, more than 3,300 of the nation’s nearly 5,000 community hospice programs have made the commitment to improve care of Veterans at end of life, by obtaining:

- i. Guidance to effectively collaborate with VA in providing care;
- ii. Expertise to care for Veterans impacted by their military or combat experience; and
- iii. Tools for guiding Veterans and families as they seek access to the VA benefits for which they are entitled.

The proposed contract is designed to position WHV as an independently operated and funded program, wholly-managed by NHPCO, by the end of the Second Option Year. The new contract will allow continued collaboration between VHA and NHPCO in order to increase the number of available participating community hospice programs from 3,300 to nearly 5,000. Upon completion of the proposed contract, NHPCO will assume total responsibility over the WHV program, but will have greatly benefited from VHA’s collaboration to bring the WHV program to its most broad accessibility to Veterans and their families.

#### VCP Program

The VCP program originated under a contract with NHPCO in place from 2011-2014. Under that contract, a proof-of-concept model was developed and piloted that included three VCP sites. The contractor supported the Government by adapting existing VHA training to share

with additional VCP sites simultaneously, as well as establishing a VCP website. Additionally, an advisory council and protocol were instituted for annually reporting VCP activities and accomplishments. A subsequent contract with NHPCO, in place from 2014-2015, put in place additional training delivered at various VCP sites. The material available through the website was enhanced and, through an Office of Rural Health contract, a systematic evaluation of VCPs was performed. One recommendation of that evaluation was for the establishment of a system of performance metrics, to permit sites to communicate their impact to their leadership; to identify strong performers and pair them with identified low performers for continuous improvement; and to provide sites with benchmarks so they could judge their performance relative to that of their peers. The current contract, in place since 2015 and expiring in September 2017, involved additional VCP trainings and development/piloting of a performance measurement instrument and mechanism for sharing findings with VCP sites in real time. Under the contract, deliberate efforts were undertaken to identify potential partner offices within VHA that could eventually contribute to VCP programming in matters that, to date, had been assumed by NHPCO. Originally a project of the Office of Geriatrics and Extended Care (GEC), VCP is poised to become a shared effort of GEC, the Office of Caregiver Support (OCS), and the Office of Community Partnership (OCP)—sharing fiscal as well as staff support on behalf of VCP activity. The VA Office of Veteran Experience is also increasingly becoming involved with VCP activities, aligning their “Community Veteran Experience Boards” initiative with that of VCP.

The proposed contract is strategically designed to position VCP within VA as independent of reliance on contractor efforts by the end of the Second Option Year. The new contract will provide organizational guidance to set up the shared governance structure between the three VHA offices (GEC, OCS, and OCP) that will be necessary to ensure equitably shared responsibility, input and control. The performance measurement pilot will conclude in September 2017, setting the stage for VCP-wide implementation. Staff from OCP and OCS are poised to begin collaborating with GEC staff to perform the following:

- i. Update and upgrade materials for VCPs;
- ii. Establish a social media presence;
- iii. Work with the new performance measurement system to refine the sharing and use of findings with VCPs;
- iv. Build online and web-based instructional means for training additional sites; and
- v. Move the NHPCO-linked VCP website to a “@va.gov” domain.

The current contract (VA119A-15-C-0044) has also fostered the development, refinement, and dissemination of a highly effective, complementary approach for promoting Veterans’ access to a broadened range of choices for health-related cares and services in VA and the surrounding community. By partnering interested and motivated VA staff with non-VA personnel who serve Veterans, the two groups each optimize their familiarity with the full range of care options available to Veterans and the individuals and organizations providing them; and establish an interprofessional network for coordinating those services. The resulting professional interactions also serve to foster enhanced the public’s appreciation

for VA's contributions to community well-being. To date nearly 60 of the over 150 VA medical centers have undertaken the development of VCP, bringing this program to nearly all VISNs and 24 states. The proposed contract will develop and implement means for accelerating broader adoption of this model and providing VCPs with an improved and more effective set of resources for increasing and enriching collaborations among VAs and their community partners.

The WHV and VCP programs, each, have ambitious goals and realistically cannot be addressed adequately with a contractor not already familiar with the history, practices, players, progress and vision gained by the previous contract vehicles.

The dollar value of this proposed contract is projected to be [REDACTED] for the first year; [REDACTED] for the second, and [REDACTED] in the final year, for a total award of [REDACTED].

#### **4. Statutory Authority:**

The statutory authority permitting other than full and open competition is 41 U.S.C.3304(a)(1) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

#### **5. Rationale Supporting Use of Authority Cited Above:**

Prior to the establishment of the WHV program, the nearly 5,000 community hospices nationwide did not ask about Veteran status, did not have training in the care of Veterans at end of life, and were largely frustrated in their attempts to collaborate with VA medical centers in the care of Veterans at end of life. As a result of VA's collaboration with the NHPCO, more than 3,300 community hospices have made a commitment to improving the care of terminally ill Veterans, the WHV program has developed and disseminated highly regarded Veteran-specific training and most importantly, this program has established an effective network for collaboration among VA medical centers and community hospices. The proposed, three-year, sole source contract will be the final contract between VA and NHPCO for this effort. The three-year contract is critical to ensure the WHV program is sustainable without further VA funding. The sustainment will occur through expanded community hospice engagement so that the WHV program commitment to provide quality care for terminally ill Veterans becomes an integral part of hospice care across America for the more than 600,000 Veterans that die each year. Without the additional development and sustainment activity this proposed contract will provide, the success gained through investment and collaborative efforts of VA and NHPCO will be lost, and end of life care for Veterans and their families will suffer.

NHPCO is the largest nonprofit membership organization representing hospice and palliative care programs in the United States. The organization is committed to improving quality of life and expanded access to hospice and palliative care services on behalf of

persons with life-limiting illness and their loved ones. VA does not provide, but instead purchases community based hospice care for Veterans. As the founding vendor for the “We Honor Veterans” national campaign, NHPCO has successfully grown this campaign--the fastest growing campaign in NHPCO’s history--to now involve over half of all community hospices nationwide. The proposed contract will specifically target those programs not presently involved, while enhancing and expanding the supports provided to participating community hospices. The end goal of the contract will be full adoption of WHV by NHPCO by the end of the three year award.

Much of the initial success of WHV may be traced to “Hospice-Veterans Partnerships” (HVP) that aligned VA and non-VA clinicians in the service of expanded and more-timely end of life care for their Veteran clients. Veteran Community Partnerships (VCP) resulted from NHPCO’s multi-year leadership in adapting the HVP model to optimize access to and coordinate the full array of support services sought by Veterans. Garnering additional commitments for improving care of Veterans through community partnerships will require:

1. an expanded number and clearly defined shared governance among the three key sponsoring VA offices (Geriatrics/Extended Care, Caregiver Support, and Community Engagement);
2. broadened collaborations with other stakeholder groups within VHA (e.g., Voluntary Services, Mental Health, Homelessness, Veterans Experience, etc.);
3. continued development and improvement of educational and particularly web-based resources for training partnership groups in the model;
4. a strategic and professionally-informed communications strategy for building internal and external support for VCP; and
5. refinement and general implementation of an effective evaluation strategy for continuous program improvement and effective communication of accomplishments.

The end goal of the contract will be full integration of VCP into VHA, with subsequent collaboration between VCP and WHV driven by shared missions freed of financial uncertainty.

VA has collaborated with NHPCO over the past several years to improve Veterans’ access to hospice and palliative care, most recently by establishing and growing the “We Honor Veterans” national campaign; and for six years through fostering Veteran-Community Partnership growth and proliferation to enhance community integration and regard for VA while broadening Veterans’ options for care. Both of these successful programs were designed by NHPCO in close collaboration with VA; and now both merit strategic design and sequenced implementation of approaches for achieving long term continuation. In light of

NHPCO's intimate, extended and productive familiarity with both programs, NHPCO is the only vendor appropriate to meet the requirements of this contract. Only NHPCO possesses:

- 1) experience in recruiting and supporting WHV participants;
- 2) experience in addressing the myriad challenges that will be encountered in continuing to build the VCP network;
- 3) the established infrastructure through which the two programs share resources and communicate best practices nationally (NHPCO the owns the WHV and VCP websites and reporting platforms);
- 4) detailed familiarity with the extensive, nationwide network of hospices represented by WHV;
- 5) established, multi-year trust relationships with the diverse VCP constellation of community partners committed to Veteran well-being (e.g., Area Agencies on Aging, Centers for Independent Living; State Departments of Veterans Affairs; Veterans Services Organizations; Faith-Based Community Support Programs, etc.); and
- 6) over a decade's experience collaborating with the personnel, priorities, and programs of the key participant offices within VHA (e.g., Geriatrics and Extended Care, Community Engagement, Caregiver Support, etc.)

No other organization has the existing platform to bringing to immediately continue the success of the WHV and VCP initiatives, or to assist VHA in fully developing the two initiatives toward independent functions – WHV within NHPCO and VCP within VHA – by the end of the third year.

## **6. Efforts to Obtain Competition:**

Market research was conducted, details of which are in the market research section of this document. This effort did not yield any additional sources that can meet the Government's requirements.

- The original contract was solicited as full and open and received four offers; only NHPCO was determined to have the necessary expertise and resources to support the requirement successfully on a national level.
- That original contract ran for three years prior to the awarding of a second contract of one (1) year's duration, which was awarded as a sole source to NHPCO.

- The present 2-year contract, which will expire September 29, 2017, was also awarded as a sole source to NHPCO based on market research that confirmed no other vendor had the capability to successfully perform the required work.

VA has gained several years of highly productive and valuable collaboration since the original open competition that determined only NHPCO possessed the necessary expertise and resources. Continued collaboration between VA and NHPCO is critical to bring the WHV and VCP initiatives to complete fruition, and as shown through the previous full and open competition, as well as through periodic market research, only NHPCO has the necessary capability to assist VA in bringing these important initiatives to full maturity.

A notice of the proposed contract action will be published to the Government Point of Entry (GPE) in accordance with FAR 5.201).

## **7. Market Research:**

Research included searches through internet search engines, Google.com, and GSA.gov according to terms listed below.

- a) Internet Search Engine, Google, was queried using the following terms in an effort to identify potential sources:
  - Hospice
  - Hospice care
  - Hospice programs
  - Hospice facilitation
  - Hospice coordination
  - Hospice and palliative care
  - Palliative care
  - Palliative care program
  - Palliative care coordination

Findings: In all cases, the National Hospice and Palliative Care Organization (nhpco.org) was either the first or within the first five sites identified for each of the terms above. With the exception of the NHPCO site, none of the companies identified offered the blend of capabilities and services sought in the current requirement. Most of the sites offered actual hospice care on a local or at most state-wide level. Some entries offered hospice education for providers and/or caregivers. Some entries provided information on hospice (e.g., Wikipedia, MedPAC, American Cancer Society, Medline, NIH); professional organizations (e.g., American Academy of Hospice and Palliative Medicine); and fiscal analysis/growth trends. Only NHPCO was identified as a source with the necessary experience with developing programs, program growth, focus on Veterans, or service coordination.

b) GSA.gov was investigated for suitable potential vendors. First on the main site, and then on the “eLibrary” sub site, the same blend of terms listed above was input. The vast majority of resources that resulted concerned Real Estate that could be employed for clinical care; a few offered furniture; and some offered books, periodicals, or “news and entertainment” options. Many searches resulted in zero findings.

c) On August 7, 2017, an RFI was issued to determine the capabilities and interest of additional companies or organizations regarding this requirement. The RFI was posted to FedBizOpps and was left open for responses for 10 days. The RFI included a copy of the detailed PWS, but no responses to the RFI were received from any vendors, large or small.

## **8. Other Facts Supporting Other than Full and Open Competition:**

VA’s Hospice and Palliative Care program has had as its mission statement “honoring Veterans’ preferences” for more than a decade. Through VA’s collaboration with NHPCO, the “We Honor Veterans” campaign has engaged over 4,000 community hospice and other health care providers to improve care of Veterans and their loved ones. This collaborative effort required NHPCO to purchase the “We Honor Veterans” URL ([www.WeHonorVeterans.org](http://www.WeHonorVeterans.org)) and be solely responsible for the substantial branding/marketing and the dissemination of training and other education resources of this brand. The transfer of the We Honor Veterans campaign branding and resources to any other entity or organization besides NHPCO would disrupt and thwart the tremendous momentum that has been generated by VA and NHPCO’s collaboration.

In addition to We Honor Veterans, NHPCO was responsible, as the sole contractor to VHA, for developing the Veteran Community Partnership training and education resources over the past six years. NHPCO staff served as the primary facilitator that trained 56 VA sites (located in 24 states and 17 VISNs) to establish Veteran Community Partnerships. Also, the same NHPCO staff provided ongoing technical assistance to the individual VCPs over the past six years and will be able to provide the same level of continuity for the proposed contract. Therefore, NHPCO would be the only organization that has the capacity and knowledge base to fulfill the goal of expanding the Veteran Community Partnership program and fully integrating within VHA.

## **9. Actions to Increase Competition:**

The Contracting Officer and Program Office discussed competition concerns in allowing a three-year, sole-source contract to a vendor that has supported VHA over the past several years under previous sole-source awards; however, current market research indicates that no other vendor has the interest or capability to successfully meet VHA’s needs. Enabling a three-year contract enables the Government to efficiently and cost-effectively bring the WHV and VCP programs to conclusion without the need to expend VA resources on a new procurement every year; however, in recognition of concerns regarding a continued sole-

source award to the incumbent contractor, VHA's program office agreed that, prior to exercising any option periods, it will annually perform market research in coordination with the Contracting Officer to determine if any other vendors are capable and interested in supporting VHA's efforts with the WHV and VCP initiatives. A market research memo will support the decision whether to exercise any optional period of performance.

## SIGNATURES

### 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.

Technical Representative

Date

### 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 a comparison of proposed prices to historical prices paid, as well as comparisons to the Government's estimate, if historical pricing does not provide a suitable basis of comparison.

Contracting Officer

Date

### 12. Contracting Officer Certification:

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Contracting Officer

Date

Sole Source Justification and Approval  
“We Honor Veterans” & “Veteran Community Partnership”  
Support Services with NHPCO

**13. Approval**

In my role as Contracting Activity Competition Advocate, based on the foregoing justification, I hereby approve the acquisition of increased support for the preparation of acquisition packages on an other than fair opportunity basis pursuant to the authority cited in paragraph 4 above, subject to availability of funds, and provided that the property and services herein described have otherwise been authorized for acquisition.

Competition Advocate  
Deputy Director, SAC-F  
Office of Acquisition Operations

Date