

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
1701 Directors Blvd
Austin, TX 78744

2. Description of Action: The proposed action is for brand name firm-fixed price delivery order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Government Wide Acquisition Contract (GWAC) to obtain Document Storage Solutions (DSS) Peri-Op Manager and PeriOp Manager performance analytics add on annual software maintenance for the Veterans Affairs Souther Nevada Health Care System (VASNHS).

3. Description of the Supplies or Services: The proposed action is to provide software maintenance and support of previously purchased DSS Peri-Op Manager perpetual software licenses. The facility's Peri-Op Manager consists of three (3) servers: Production, Test, and Analytics. The Peri-Op Manager System is used daily, providing a centralized process for patient flow, coordinating patient care and allowing real-time status updates on patients as they move through the surgical procedure process. Automated informational updates are viewable on display boards throughout the facility to show the status of surgical cases and keep family members up-to-date on the status of their loved ones. The program provided a means to track key measures comprising the O.R. Efficiency metrics: First Case On-Time Starts, O.R. Cancellation Rates, O.R. Utilization, and O.R. Lag Time (Turnover Time). The anticipated period of performance is June 1, 2018 through May 31, 2019, and four additional 12-month option periods. The estimated value is [REDACTED], inclusive of all options.

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c) 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 extensive market research, as described in section 8 of this justification, it was determined that limited competition is viable among authorized resellers for brand name, DSS. DSS Peri-Op Manager was implemented at VASNHS in Sept 2016 to provide a centralize process for patient flow and a display board to show status of operating room cases or to inform or update family members of their love one status. It was previously determined to be the best value product that meets the Government's requirements. Software maintenance is required to ensure the existing Peri-Op software operates continuously and VA technical experts have access to technical support for any issues or problems related to Peri-Op. Only DSS or an authorized reseller can provide the necessary software

Brand Name Document Storage Solutions Clinical Note Templates Plus Software

updates, because of the propriety source code required to develop and implement software updates. No other license is compatible with or interoperable with the existing DSS proprietary database structures, protocols, and software application programming interfaces. The brand name DSS software maintenance is the only software maintenance that meets the Government's requirements.

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 and compatibility. However, it was determined that limited competition is viable among resellers for these brand name items. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

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.

8. Market Research:

VA technical personnel conducted market research in March 2018, to ascertain if other products would satisfy VA's requirements. VA technical experts reviewed similar software offered [REDACTED] provide products and interfaces similar to DSS Peri-Op Manager, only DSS is an authorized service provider and has access to the proprietary source code specific to the interoperability for this particular software and hardware platform that currently resides at VASNHS. As a result of the market research, the technical experts confirmed that the source code required for interoperability of both software and hardware is proprietary to DSS. Therefore, no other contractor has the capability of developing and issuing software updates and fixes for DSS software necessary to support existing requirements.

Additionally, Contract Specialist (CS) issued a Request for Information (RFI) on NASA SEWP and the Federal Business Opportunities web site. The only response received from both notices was from DSS Inc.

The Contract Specialist (CS) conducted market research in April 2018 by using the SEWP market research tools. Based on this market research, the CS found resellers under SEWP capable of meeting the full requirement.

9. Other Facts: None.

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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] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [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 the fact that NASA SEWP GWAC prices have previously been determined fair and reasonable. Additionally, price comparison is expected among authorized resellers for this action. Additional price analysis will be performed by comparing the successful quote to the Independent Government Cost Estimate.

[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [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 \$650,000, the certification below required by FAR 16.505(b)(2)(ii)(C)(1) serves as approval.

[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]