

JUSTIFICATION
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Procurement, Acquisition, and Logistics
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 delivery order under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC), for the renewal of 155 Document Storage System, Inc. (DSS) brand name Mental Health Suite (MHS) term software licenses and associated maintenance and Tier 3 technical support.

3. Description of Supplies or Services: VA Office of Information and Technology, Information Technology Operations and Services, Service Management Planning has a requirement for the renewal of 155 DSS MHS term software licenses, software maintenance and Tier 3 technical support for use at healthcare facilities throughout the nation. The 155 licenses are needed to cover 67 Large Hospitals; 68 Medium Hospitals; and 20 Small Hospital licenses. VA requires a software system that facilitates treatment planning in mental health care settings, and that interfaces with VA's Veterans Health Information System Technology Architecture (VistA) and its Computerized Patient Record System (CPRS). The existing DSS MHS software facilitates such treatment planning as it interfaces with CPRS/VistA to allow VA mental health clinicians to use the graphical user interface (GUI) functionality to easily enter information related to the Veteran's mental health care (e.g., problems and medications). The interface also allows for seamlessly documenting the completed treatment plan in the CPRS Progress Note Tab and completing the VistA clinical encounter in the Veteran's electronic health record (EHR). In addition, the DSS MHS software allows multiple clinicians to contribute to the same treatment plans, making possible true interdisciplinary care planning. This increases the completeness and accuracy of the Veteran's Mental Health treatment plan, minimizing the impact of errors due to copy and paste and providers adding multiple addendums. DSS MHS focuses on incorporating the Recovery Model of treatment in Veteran care and planning, while supporting compliance with requirements set forth by the Joint Commission and the Commission on Accreditation of Rehabilitation Facilities. Both of these organizations have requirements associated with care planning for behavioral healthcare settings that are very detailed and specific, and difficult to meet without utilizing care planning software tools. Deficits in care planning are among the most frequent issues identified in accreditation site visits, resulting in the need for care planning software.

The Software maintenance support shall include upgrades, bug fixes, minor-release upgrades, and troubleshooting Monday through Friday, 8:00 am to 7:00 pm Eastern Time, via electronic, telephone, and on-site tasking. Emergency maintenance is also provided for all MHS licenses 24 hours a day, 7 days a week, 365 days a year.

Technical support includes Tier 3 resolution of problems experienced using the MHS software. The period of performance for this effort consists of a 12-month base period and two 12-month option periods for the renewal of the 155 DSS MHS software licenses and maintenance support. The total estimated price of this proposed action is [REDACTED], inclusive of option periods.

4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(2) as implemented by 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 paragraph 8 of this document, it was determined that limited competition is available among resellers for brand name DSS MHS software licenses and support services. No other brand name software, other than DSS MHS can meet all of VA's functional requirements. Specifically, VA has a functional requirement for the capability of multiple clinicians to contribute to the same treatment plans, which makes possible true interdisciplinary care planning. Only DSS MHS software, developed by DSS, facilitates required treatment planning capabilities while interfacing with the VA's EHR, CPRS and VistA. In addition, no other brand name software can meet all of VA's interoperability requirements. Specifically, no other brand name MHS software has the capability to interface with CPRS and VistA. This interoperability is a critical element in insuring that treatment planning for mental health is integrated as part of a Veteran's overall healthcare documentation and planning. The intake assessments and treatment plans are filed as text integrated utility Notes (Progress Notes) in CPRS, making them available to anyone that can view the patient's chart. The DSS MHS software has interfaces with CPRS/VistA to allow VA mental health clinicians to use the GUI functionality to enter information related to the Veteran's mental health care. The GUI also allows for seamlessly documenting the completed treatment plan in the CPRS Progress Note Tab and completing the VistA clinical encounter in the Veteran's EHR. No other product offers these tools and the required integration with the existing infrastructure, which is required by VA. Failure to procure this software would negatively impact Veterans receiving mental health specialty care in VA in several aspects of care. Documentation of care planning would be splintered and continuity of care would be negatively impacted as Veterans transition from one program to another. Not having this tool available would make treatment planning documentation more difficult, time consuming, and less coordinated, impacting overall quality and timeliness of care for specialty mental health services.

The DSS MHS software maintenance and Tier 3 technical support is required to ensure MHS software continues to work with the various components of Vista/CPRS. Since VistA/CPRS applications undergo periodical changes, the MHS software must be updated to ensure compatibility and interoperability. Therefore, in order to perform MHS software maintenance and provide technical support, a non-Original Equipment Manufacturer (OEM) would require access to DSS MHS proprietary data to include the source code. The Government does not possess the proprietary technical data and

code for the DSS software to offer to a non-OEM. Without this technical data, no other source has the ability to provide the aforementioned MHS software maintenance and technical support other than DSS or a reseller. This code is required to ensure all services provided are properly configured. Failure to acquire the aforementioned maintenance support would prevent obtaining software upgrades and risk interoperability concerns with VistA/CPRS applications.

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. It was determined, however, that limited competition is viable among resellers for the brand name software licenses, maintenance and technical support. In accordance with FAR 16.505(a)(4)(iii)(A)(2), this justification will be provided with the solicitation to all interested NASA SEWP V GWAC holders. In accordance with FAR 5.301 and FAR 16.505(b)(2)(ii)(D), notice of award of the resulting order will be synopsisized and this justification will be made publicly available within 14 days after award on the Federal Business Opportunity website.

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 fully competed.

8. Market Research: Market research was conducted by the Government's technical experts by reviewing similar software from February through April, 2018. Cerner Behavioral health module and Credible were reviewed among several others [REDACTED]. The market research concluded that there are no similar software products in the marketplace that can meet all the VA's interoperability and functional requirements listed in Paragraph 5 of this document. The majority of systems that provide behavioral health treatment planning capabilities are standalone EHR's for small outpatient behavioral health settings. None of the reviewed products can support the integrated care system that VA requires. Specifically, only DSS MHS software can interface with CPRS/VistA and has the capability for multiple clinicians to contribute to the same treatment plans, making possible true interdisciplinary care planning. Only DSS MHS software licenses can meet all of VA's needs and only resellers can provide the maintenance support required due to the proprietary technical data and code required for the DSS software. Only DSS MHS software licenses can meet all of VA's needs and only resellers can provide the maintenance and maintenance support required due to the required access to DSS MHS proprietary data to include the source code.

Additional market research was performed in April 2018 utilizing the NASA SEWP V GWAC Provider Lookup tool, which resulted in the identification of multiple resellers of the required brand name DSS MHS software and services. As a result, there is a reasonable expectation for limited competition on the NASA SEWP V GWAC for the brand name DSS MHS software licenses, maintenance and technical support.

9. Other Facts: None