

VA258-12-AP-1533

DEPARTMENT OF VETERANS AFFAIRS  
501-12-4-9517-0041

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Organization:** Department of Veterans Affairs, VISN 18 Raymond G. Murphy Medical Center
2. **Description of Action:** Requesting Milner-Fenwick patient education and patient waiting Healthy 9 Living Message DVDs. The Milner-Fenwick DVDs were approved for VA wide use for Healthcare Promotion Disease Prevention (HPDP) interaction telemedicine. Veterans will experience health promotion and disease prevention clinical interventions that will support the delivery of evidence-based health care promotion and disease prevention service throughout the continuum of their health care.
3. **Description of Supplies or Services:** Various DVDs to promote veterans healthcare as described above in item 2.
4. **Statutory Authority:**  
( x ) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy  
Agency Requirements:  
( ) (2) Unusual and Compelling Urgency;  
( ) (3) Industrial Mobilization, Engineering, Developmental or Research Capability, or Expert Services;  
( ) (4) International Agreement  
( ) (5) Authorized or Required by Statute;  
( ) (6) National Security; or  
( ) (7) Public Interest
5. **Validity of Use of Statutory Authority:** Milner-Fenwick has provided the Government a letter stating that they are the producer, sole-source provider and copyright holder of the requested materials. A sources sought notice was issued by the VHA Program Contracting Activity for a hospital wide acquisition in last 45 days, which also concluded that Milner-Fenwick is the sole provider and copyright holder of these materials.
6. **Actions to Promote Competition:** As listed in paragraph 2, the DVD content has been selected and approved VA wide for Healthy Living messages. Milner-Fenwick is the sole distributor and copyright holder of this material. Competition will be

limited until the VA approves a different Healthy Living message content, or Milner-Fenwick allows another party distributorship. Future acquisitions will need market research conducted to see if one of these options have occurred.

7. **Determination of Fair and Reasonable Price:** The anticipated price to the Government is \$ 46,800.00. This was obtained by an informal quotation provided to the customer. All of Milner-Fenwick DVD material is priced on their website. Reviewing the website to the quotation offered, the Government is receiving a discounted price than what is being offered to the commercial market. FAR 15.404-1(b) is for price analysis for commercial and non-commercial items. Under 15.404-1(b)(2)(iv) a method of price analysis is comparisons with competitive published price lists, published market prices of commodities, etc. Comparing the quoted price with the published price the anticipated cost the Government is receiving appears to be fair and reasonable. In accordance with FAR part 5.3, the contract award will be synopsisized and this Justification and Approval will be made publically available via the Government portal, Federal Business Opportunities (FBO) website.
8. **Market Survey (FAR 10):** A review of mandatory and optional VA National Acquisition Center and Federal Supply Schedules revealed no data. Internet research was conducted through FBO which provided several VA acquisitions that were sole source. A recent Sources Sought notice by the VHA Program Contracting Activity was discovered and information about was shared on market research results. Both activities have concluded that Milner-Fenwick is the producer, sole-source provider and copyright holder of all materials required.
9. **Other Considerations:** None
10. **Listing of Sources that expressed, in writing, an interest in the acquisition:** None
11. **Statement of Actions to Overcome Barriers to Competition:** As listed in paragraph 2, the DVD content has been selected and approved VA wide for Healthy Living messages. Milner-Fenwick is the sole distributor and copyright holder of this material. Competition will be limited until the VA approves a different Healthy Living message content, or Milner-Fenwick allows another party distributorship. Future acquisitions will need market research conducted to see if one of these options have occurred.

12. **Requirements Certification:** I certify that the requirement outlined in this justification is a bonafide need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

  
Julie Dreike, Rural Health Business Manager

13. Approvals in accordance with FAR 6.304

a. **Contracting Officer's Certification: (required)** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
Daniel C. Thiel  
Contracting Officer  
SAVAHCS

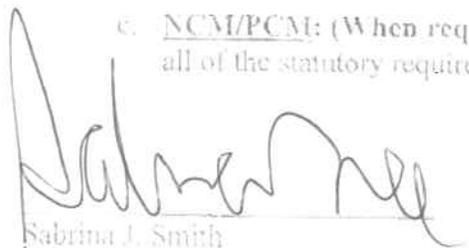
20 SEP 2012  
Date

b. **VISN/PCA QA:** I certify foregoing justification is accurate and complete to the best of my knowledge and belief

  
Paulette Pereira  
QA/Compliance Officer

SEPT 20, 2012  
Date

c. **NCM/PCM: (When required)** I certify that the foregoing justification meets all of the statutory requirements for other than full and open competition.

  
Sabrina J. Smith  
Network Program Contract Manager  
VISN/PCA 18

9/21/2012  
Date