

**JUSTIFICATION AND APPROVAL
FOR AN EXCEPTION TO FAIR OPPORTUNITY**

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
260 Industrial Way West
Eatontown, NJ 07724

2. Description of Action:

The proposed action is for a firm-fixed-price (FFP) delivery order issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) in support of the VA Office of Information Technology for Veterans Integrated Service Network (VISN) 8. This procurement is for the renewal of brand name Document Storage Systems, Inc. (DSS) Clinical Note Templates (CNT) and DocManager software licenses throughout VISN 8 medical centers (Bay Pines, Miami, Orlando, San Juan, Tampa, West Palm Beach). This procurement includes maintenance (upgrades, updates, and patch releases) and premium support services (remote technical support, on-site support, and end-user training). The contractor shall provide on-site DSS Premium Support Services to Miami and Orlando, Florida locations two days per month for the duration of the contract. The period of performance for the proposed action is 12 months from date of award. The total estimated price of the proposed action is ~~_____~~ \$A. Forecast of Contracting Opportunities has been completed via the Electronic Contract Management System.

3. Description of Supplies or Services:

DSS CNT and DocManager Graphical User Interface (GUI) software applications are utilized by VA medical centers' financial and clinical services and are currently deployed throughout VISN 8. The license renewal shall include client access licenses (CALs) for newly acquired software developments, upgrades, and updates during the past contract year. This proposed action shall also provide continued Premium level technical support for all existing DocManager (business) and CNT (clinical) applications deployed in the Miami and Orlando VA medical centers. This includes all development, upgrades, and updates facilitated by premium level support utilizing remote and on-site technical support, troubleshooting, and training for current and new application software releases. Premium level technical support also includes access to software service packs, hot fixes and software updates, plus 24 hours a day, seven days a week telephone support.

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 award 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:

VISN 8 Clinical and Business Office staff is dependent on the use of DocManager and CNT GUI applications to facilitate entering, storing and analyzing medical records. These applications directly impact patient care and satisfaction. The DocManager and CNT GUI applications have technical interdependencies with the following applications utilized by critical clinical and business offices to provide patient care and Fee recovery services: Insurance Capture Buffer, Fee Basis Compliance System, Administrative Medical Records, Means Test, Medical Records, and the Veterans Health Information Systems and Technology Architecture (VistA) Imaging System. Implementing any other brand of software would require a significant redesign to VISN 8 Clinical and Business Offices' information technology (IT) infrastructure, resulting in extended periods of downtime for mission critical financial and clinical services and negatively impacting patient care. VISN 8 currently maintains three servers that run DSS applications. At least one, if not all, DSS servers would need to be replaced to support another brand name solution dependent upon the server requirement of the new software. Downtime would include technical implementation teams meeting and discussing setup several times prior to swapping out existing servers VISN-wide. There would be additional downtime post implementation, taking into consideration time to retrain Clinical and Business Office staff on new applications. Even if an alternate product could satisfy the Government's needs, the potential cost savings realized through competition would not be enough to offset the cost of redesigning the impacted applications and replacing existing servers as previously discussed. With respect to the existing VA-owned licenses, only DSS or an authorized reseller of DSS products can provide the required continued maintenance and technical support to the above DSS 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. There is limited competition anticipated for this acquisition. In accordance with FAR 5.301 and 16.505(b)(2), this action will be synopsisized at award on the Federal Business Opportunities Page 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:

Only brand name DSS CNT and DocManger software is interoperable with VISN 8 Clinical and Business Offices' mission critical financial and clinical software applications as well as the VistA IT architecture. Although other brand name products may be able to provide clinical note templates and document management capabilities, no other brand's software would be interoperable within VISN 8's existing IT infrastructure. The Government's technical expert regularly conducts market surveillance on Commercial off-the-shelf (COTS) alternatives to these products through regular consultation with other COTS subject matter experts, service chiefs, and super users about current software on the market place as well as what is in development. Additionally, alternative solutions have been discussed through work groups and conference calls for National Data Center Program (NDCP) COTS Architecture, Quadramed Technical, Draeger Innovian, and VA-only technical calls. Currently, the Government's technical expert has not come across similar products on the marketplace that interfaces with VistA. As stated above, implementing any other brand of software would result in extended periods of downtime that would negatively impact Veteran care and satisfaction.

The Government conducted market research in August 2012 utilizing the NASA SEWP IV GWAC Manufacturer Lookup tool and "Document Storage Systems, Inc." as the baseline search term. It was determined that DSS products are currently available on the NASA SEWP IV GWAC through two value added resellers (VARs) in Groups B and C. Therefore limited competition is anticipated.

9. Other Facts:

N/A