

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1. **Contracting Activity:** Department of Veterans Affairs
Veterans Health Administration
Strategic Acquisition Center
10300 Spotsylvania Avenue, Suite 400
Fredericksburg, VA 22408
2. **Nature and/ or Description of Action Being Processed:** The proposed sole source action is for a Firm-Fixed Price (FFP) contract for procurement of psychological test. Justification for Other than Full & Open Competition - Department of Veterans Affairs, VHA, Office of Patient Care Services, Mental Health Services (10P4M), Informatics Section – 2237 - 101-13-1-1291- 0010. This effort is proposed to be awarded to NCS Pearson, Inc., 5601 Green Valley Drive, Bloomington, MN 55437.
3. **Description of the Supplies or Services Required to Meet the Agency's Needs:**
The purpose is to allow the Department of Veterans Affairs (VA) to continue to utilize the psychological tests that are controlled by the publisher, which are integrated into the Department of Veteran Affairs (VA) Electronic Medical Record System psychological testing package. The materials required include the test questions, response choices, and scoring algorithms. This allows VHA to administer, score and interpret psychological tests on the Veterans Integrated System Technology Architect (VISTA) System. Federal copyright laws protect all psychological tests covered by this contract. The tests are administered on-line; patients complete the tests on computers, and then the results are scored and interpreted immediately. The questions and scoring information, which are copyright protected, must be stored in the VISTA database. An accounting system is programmed into VISTA and monthly data is sent to the Corporate Data Warehouse so monitoring can be done throughout the fiscal year with aggregated test usage information sent to the publisher so that they may send in their invoice for payment. Several of these tests are used in measuring the effect on individual patients and their evidence-based therapy, and are given routinely throughout the course of the therapy timeline. Providers have been trained in using these tests over the past year as part of their evidence –based therapy course work. The estimated value of this contract is \$253,622 for 6 months. Anticipated period of performance starts December 01, 2012 through May 31, 2013.
4. **Authority:** The statutory authority for this justification is 41 U.S.C. 253(c)(1), and Federal Acquisition Regulation (FAR) 6.302-1. The authority permitting this sole source action is Federal Acquisition Regulation (FAR) 6.302-1 - Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.
5. **Rationale for Authority:** NSC Pearson Inc. holds exclusive publishing and the copyrights for all tests included in the license agreement. NCS Pearson Inc. can grant the right for the VA to utilize their copyrighted tests, scoring algorithms, and norms and

place these tests on VA's own electronic psychological assessment software package, the Mental Health Assistant (MHA), which is part of the overall VistA system. Placing these tests into the MHA insures that the tests will be scored correctly which also saves the provider time, recorded in the correct patient's medical record, and provides the data to pay the Contractor for the copyright.

The specific instruments to be included in this contract are:

- Beck Anxiety Inventory (BAI)
- Beck Depression Inventory 2 (BDI2)
- Beck Hopelessness Scale (BHS)
- Beck Scale of Suicidal Ideation (BSSI)
- Alcohol Use Inventory (AUI)
- Brief Symptom Inventory – 18 (BSI-18)
- Million Behavioral Medicine Diagnostic (MBMD) includes Bariatric and Pain norms.
- Million Clinical Multiaxial Inventory – II (MCMI2)
- Million Clinical Multiaxial Inventory – III (MCMI3)
- Million Behavioral Health Inventory (MBHI)
- Minnesota Multiphasic Personality Inventory (MMPI2)
- Symptom Checklist-90-Revised (SCL9R)
- Minnesota Multiphasic Personality Inventory 2 RF (MMPI2 RF)
- Quality of Life Inventory (QOLI)

As stated above, NCS Pearson, Inc. is the sole provider for these tests as determined on the market research and verified by NCS Pearson Inc. There are no other commercial sources in the marketplace for these tests, which are used in multiple mental health programs for diagnosing clinical symptoms and periodically monitoring those diagnoses/symptoms.

Accordingly, NCS Pearson Inc. is the only firm capable of providing the supplies and services described in Section 3 above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.

6. Efforts to Obtain Competition: These psychological tests were developed by the private sector so a search was done beginning on the Internet. A Google search was done on the internet using the names of the required tests. A search was also done on other potential sources of psychological tests, including a search on GSA eBuy. This market research resulted in no other potential sources for these tests. For more detailed search information, please see below:

- Google – search on each individual test name. Was able to pull up multiple research information but all the references to obtain the tests were either for the former owner (older references) or for Pearson, Inc. (newer references)
- American Psychological Association – Same as Google search.

- GSA Advantage – nothing found.
- GSA eLibrary – nothing found.
- GSA eBuy – nothing found.

7. **Actions to Increase Competition:** The Contracting Officer will be soliciting pricing from the sole source contractor, NSC Pearson, Inc. for a variety of quantities of tests for a FFP contract. A price analysis will be conducted in conjunction with a technical analysis with the requestor to ensure that the resulting FFP contract will include fair and reasonable pricing, to include a historical comparison of pricing paid by the VA for these same required tests.

8. **Market Research:** Please see Section 6 for Market Research efforts. Market research reveals that Pearson Inc. has exclusive distribution rights as the copyright holders for the tests listed in Section 3. Being the sole owner and distributor, they are the only source that can provide these tests.

9. **Other Facts:**
N/A

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.

Karen DeVolder, CPHQ, COR

Date: 11/1/12

Adm. Officer, Informatics Section
VHA, Mental Health Service (10P4M)

Signature: Karen DeVolder

11. **Determination of Best Value:** I hereby determine that the proposed contract action will represent the best value to the Government. VA has already determined that the prices on the FSS contract are fair and reasonable. Further price analysis will be conducted and subsequent negotiations held as necessary. Additionally, price discounts will be sought.

James S. O'Quinn

Date: 16 Nov 2012

Procuring Contracting Officer

Signature: J. S. O'Quinn

12. **Procuring Contracting Officer Certification:** I certify that this justification is accurate and complete to the best of my knowledge and belief.

James S. O'Quinn

Date: 16 Nov 2012

Procuring Contracting Officer

Signature: 