

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION DUE TO SOLE SOURCE REQUIREMENT

REQUIRED INFORMATION
1. FACILITY NUMBER-NAME- CITY, STATE: <i>00618 Minneapolis VA HCS, Minneapolis, MN</i>
2. VISN OR PROGRAM ACTIVITY: <i>23</i>
3. POC NAME AND TELEPHONE NUMBER: <i>Michael Reed, 612-344-2152</i>
4. PROPOSED ACTION: <i>Sole Source Procurement of SERVICE</i>
<p>5. DESCRIPTION OF REQUIREMENT: <i>This is an annual software maintenance renewal for ongoing service and support of VISN 23's workload management system. The software is used to manage nurse scheduling and balance workload throughout the VISN. Service and support for this software is only available from the software developer, Infor (see attached letter from Infor General Counsel attesting to this fact). The period of performance of this renewal will be 1/1/2013 to 12/31/2013 (one calendar year).</i></p> <ul style="list-style-type: none"> <li>• Supplies/Equipment: Technical Characteristics can include, but are not limited to model, make, part number, color, size, quantity, delivery date, etc. Services: Refer to the statement of work, statement of objective, or performance work statement for your description.</li> </ul>
<p>6. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION: <i>Exclusive Licensing Agreements</i></p> <ul style="list-style-type: none"> <li>• FAR 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements</li> <li>• FAR 8.405-6 Limited sources justification and approval</li> <li>• FAR 13.106-1(B) SAP Requirements – Soliciting From a Single Source</li> <li>• This is a reference to the part of the Federal Acquisition Regulation that allows an item to be purchased without being fully competed. This statement serves as a point of reference in case the justification is questioned. In this case, it would be reviewed for its relativity to this part of the Federal Acquisition Regulation.</li> </ul>
<p>7. NATURE &amp; BACKGROUND OF ACQUISITION TO JUSTIFY SOLE SOURCE: <i>VISN 23 has used this workload management software for several years. It was originally developed by Lawson Software; however, in 2011 Lawson was acquired by Infor. Infor provides ongoing service and support of the software via annual maintenance contracts. The company services the software itself. It does not allow any other provider to service the product (common commercial practice in the software industry).</i></p> <ul style="list-style-type: none"> <li>• Describe the minimum salient characteristics that will meet your needs. This is the area where you explain why no other vendor anywhere can supply this requirement for you. Acceptable reasons for "sole source" include (but are not limited to): bound by contract, technical order specification, warranty service, or regional standardization. If the reason for sole source is determined locally, offer what market research or clinical guidelines led to the decision. If this item is included in an allowance standard for War Reserve Materiel (WRM), cite the allowance standard, required source, and stock number for this item. NOTE FOR WRM PURCHASES: The Defense Logistics Agency is your primary source for WRM equipment. Be sure to determine availability from a DLA item manager before contracting for WRM equipment. If DLA cannot meet your timelines for WRM equipment, your urgency may be further justification for other than full and open competition. See your Medical Logistics Flight Commander for more details.</li> </ul>
<p>8. PROVIDE INFORMATION SHOWING MARKET RESEARCH WAS CONDUCTED: <i>Market research determined that the required software maintenance was available only from Infor. In past years, VISN 23 was able to use the SEWP contracts to acquire the software service and support from value added resellers. However, since the acquisition of the product by Infor, this is no longer possible.</i></p> <ul style="list-style-type: none"> <li>• This justification is for why no other vendor anywhere can supply your item or service and still meet your needs. Your rationale for barring other vendors is crucial to your justification. If you already cited the statutory reason for a sole source, state, "See paragraph 7". If your rationale for a sole source purchase was</li> </ul>

determined locally, offer an explanation of the source selection process you went through to determine your sole source requirement. Unacceptable reasons include (but are not limited to) personal taste, good relationship with existing vendor, or one's comfort level with a particular vendor.

- Describe the similarities and differences in vendors for the product that you are aware of that could assist or prevent the purchaser from obtaining the best value for you. Be sure to name the vendors. This section will help the purchaser decide which vendors are available to purchase this item from. If market research was not conducted, state it AND the reason that there was no market research.

9. PRICE ANALYSIS "FAIR AND REASONABLE": *The quoted price, \_\_\_\_\_ is fair and reasonable based on comparison of this price to prior acquisitions of the same maintenance and support. In FY 2012, VA paid \_\_\_\_\_ for the same renewal. The 2013 price is \_\_\_\_\_ higher than the price paid in FY 2012, a reasonable increase considering the cost to acquire new licenses \_\_\_\_\_ for the licenses originally in 2006).*

- This section is mandatory. Do not leave this section blank. Even though this must be purchased from only one source, you must still obtain a quote from the vendor for this purchase. This way you are able to verify added costs for delivery, your geographic region, or installation. Cite the pricing here. If you purchased this item before, compare this price to what you paid last time. Cite this here as well.

10. LISTING OF SOURCES EXPRESSING INTEREST IN THIS REQUIREMENT: *Infor is the only source.*

- Enter or attach contact information for sources you cited in the description of your source selection. If sole source by statute, regulation, or standard, list contact information for that source here.

11. FUTURE ACTION TO OVERCOME BARRIER TO OTFOC: *VA continuously seeks alternative software providers; however, once systems are installed and staff are trained, it is very difficult to justify the much higher cost of moving to a new system, rather than paying for the annual maintenance.*

- This section fulfills the legal requirement to affirm that the selection of a singular source for this requirement is an anomaly and that action will be taken in the future to ensure full competition in the future. The reason this is needed is to describe how the government will make an effort in the future to fully comply with standard acquisition practices and not resort to creating unnecessary partnerships with few vendors at the risk barring full competition to circumvent the FAR. By signing this, you are telling the contracting officer to avoid the processes that assure best value and fairness in this acquisition. If the reason for sole source purchase is because of statute, standard, or regulation, enter "THE SOURCE FOR THIS PURCHASE IS REQUIRED IAW [cite the standard here]."

SUBMITTED BY:

Signature: \_\_\_\_\_

Department/Requestor

Date: 12/14/2012

SIGNED BY:

Signature: \_\_\_\_\_

Warranted Contracting Officer

Date: 12/14/2012

APPROVED BY:

Signature: \_\_\_\_\_

NCM or Product Line Supervisor

Date: 12/18/12

Note: Anything that is over 500K will need to strictly follow the SOP J&A Attachment.



380 St. Peter Street  
St. Paul, MN 55102  
651-767-7000  
infor.com

December 3, 2012

Department of Veterans Affairs  
Attn: Michael Reed, Contracting Officer  
Network 23 Contracting Office (NCO 23)  
708 South Third Street, Suite 200E  
Minneapolis, MN 55415

RE: Sole Source Letter for Department of Veterans Affairs

Dear Mr. Reed:

The Department of Veterans Affairs has requested that Infor (US), Inc. ("Infor") provide a statement regarding the availability of its products and maintenance in the general marketplace. Infor is the only vendor that is authorized and certified to provide Infor Xtreme maintenance and support services within the Public Sector for the Infor-owned software products that you have licensed.

Please don't hesitate to contact us if you have additional questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Elias". The signature is written in dark ink and is positioned above the typed name.

Patricia Elias  
Associate General Counsel  
Patricia.Elias@infor.com