

# DEPARTMENT OF VETERANS AFFAIRS

## Justification and Approval

For

### Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Veterans Health Administration, Veterans Integrated Service Network 17 (VISN 17), Network Contract Office (NCO) 17, 7400 Merton Minter Blvd., San Antonio, TX 78229. (549-13-1-181-0014).
2. **Name and/or Description of the Action Being Processed:** This is a request for other than full and open competition. NCO 17 intends to negotiate and award a new firm fixed purchase order on a sole source basis to Elsevier Inc. 360 Park Avenue South, New York, NY 10010-1710 for the purchase of online nursing courses (software) for hospital personnel.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The contractor shall provide the following items: MC Strategies Nursing Orientation, Certification, Triage and online support. The ENA Orientation course is a comprehensive tool for the training of nurses in Emergency Nursing. The courses span all physiological system and generational populations. Additionally, training is provided for Emergency Response to Disaster, Hazmat Preparedness and Weapons of Mass Destruction. The ENA Orientation course includes didactic information as well as Case Presentation clinical scenarios for staff testing in all systems/emergency situations.

The second component to Emergency Nursing is Triage. This process is the quick, "first look" patient assessment to identify patients in need of emergent intervention to save life or limb. The course provides information on the process that determines the patient need for timely interventions and resources. The AHRQ course is a self-study course that does not have a competency exam or produce a certificate of competence upon completion.

The ENA Triage course is a resource-based training program. The ENA course has a competency exam and completion certificate. It is an on-line course and is a reflection of the professional organization's Standards of Nursing Practice.

Delivery shall be made 7 days after receipt of order. The estimated cost for procurement is \$15,330.00.

4. **Statutory Authority Permitting Other than Full and Open Competition:**

( 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. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited:** Emergency Nursing is now a nursing subspecialty recognized by the American Nurses' Association (ANA). Their organization is the Emergency Nurses Association, founded in the 1960s. Emergency Nursing has published core curriculum and standards of practice. The courses requested are distributed via Elsevier Co. Elsevier published the Mosby's nursing references currently available on line at the VA North Texas Healthcare System (VANTHCS). Some of the information required for Emergency nursing competency can be found in Mosby's, but not advanced/emergency level assessments and interventions. Elsevier Inc. is the only known source to provide the training complete in one package. The software can only be obtained from Elsevier. Elsevier has proprietary rights and does not allow other distributors to sale their training.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This procurement does not meet the requirements of FAR 5.101 (a)(1), nor does it meet the requirements of FAR 5.101 (a)(2). As such, the procurement was not synopsised to FBO seeking potential sources. Additionally, FAR 13.106-1 (b)(1) allows Contracting Officer's to solicit from one source if the procurement doesn't exceed the simplified acquisition threshold and the Contracting Officer determines the circumstances of the contract deems only one source reasonably available.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** In accordance with FAR 13.106-3(a)(2)(vi), the Contracting Officer may determine pricing fair and reasonable based on comparison to the independent government estimate. The requirements of FAR 15.406-2, Certificate of Current Cost or Pricing Data are not applicable to this acquisition.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The Contracting Officer conducted market research to determine if other contractors with federal supply schedules were capable of providing the software. A search on Google revealed that there are several other agencies that have awarded the same or similar software sole source to Elsevier. Additionally, NCO 17 has contracts with Elsevier for similar

training. The VANTHCS conducted market research and has determined that the software distributed by Elsevier is the best fit for VANTHCS.

9. **Any Other Facts Supporting the Use of Other Than Full and Open Competition:**

The VANTHCS does not currently have a comprehensive program for Emergency Nursing Orientation/Preparation. At least two areas are currently the focus of outside surveyors: Emergency Preparedness and the Women Veteran's Program. Utilization of this course for all Emergency Nursing staff will provide a recognized, certificate-producing educational resource for Emergency nursing staff development.

In order to be in compliance with TJC requirements, the VANTHCS is required to produce documentation of ongoing assessment of nursing staff competency in Emergency and Triage Nursing. This course will be a resource that will allow the Emergency Department to verify staff competency utilizing a program that reflects the Core Curriculum and Nursing Standards of Practice in Emergency Nursing.

10. **Listing of Sources that expressed, in writing, an interest in the acquisition:**

There are no known sources but the proposed.

11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:**

There aren't any actions that can be taken at this time to overcome competition barriers. The major barrier to competition is the fact that Elsevier does not allow distributors to sell their product.

12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide 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.

*Maria R. Latorre*

Maria R. Latorre  
Administrative Officer  
VA North Texas Health Care System  
Dallas, TX 75216  
U.S. Department of Veterans Affairs- VISN 17

*2/8/13*

DATE

(10) APPROVALS

a. **CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the justification meets requirements for other than full and open competition. I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

*Shaundric M. Close*

SHAUNDRICA M. CLOSE  
Contracting Officer  
Network Contracting Office (NCO) 17  
Service Area Office (SAO)-West  
U.S. Department of Veterans Affairs

*2/19/13*

DATE

b. **FIRST SUPERVISOR:** I certify that the justification meets requirements for other than full and open competition. I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

*Mary B. Accomando*

CONTRACTING OFFICER'S SIGNATURE  
MARY ACCOMANDO  
Supervisor, NCO 17, SAO-W

*2/19/2013*

DATE