

# DEPARTMENT OF VETERANS AFFAIRS

## Justification and Approval

### For

### Other Than Full and Open Competition

#### 1. Contracting Activity:

Department of Veterans Affairs, Veterans Health Administration (VHA)  
Service Area Office (SAO) – East  
323 North Shore Drive, Suite 500  
Pittsburgh, PA 15212.

Requesting facility:

Office of Research and Development (ORD)  
810 Vermont Avenue  
Washington, DC 20420.

2. Nature and/or Description of the Action Being Processed: ORD has a requirement for specialized services of medical/scientific literature review as described in requisition number (to be determined) and Section 3, below. The proposed action is a sole-source solicitation of a new contract to the Institute of Medicine (IOM), a unit of the National Academy of Sciences (NAS).

This requirement is for a twelve-month, firm-fixed-price, requirements contract. The total value of this requirement is estimated to be \$850,000.00.

3. Description of Supplies/Services Required to Meet the Agency's Needs: VA requires an unbiased review of peer-reviewed, published medical/scientific literature related to the definition for chronic multisymptom illness in Veterans of the 1990-1991 Gulf War, as well as a recommendation for a case definition of chronic multisymptom illness in Gulf War Veterans based upon the literature review. A summary of the literature review, the recommendation(s), and a description of the processes involved in conducting the study will be contained in a final report due at the end of the twelve-month contract period. The anticipated start date is [REDACTED] and the anticipated completion date is [REDACTED]. Monthly updates describing the progress of the study will also be required. The anticipated cost for the entire study, based on an initial proposal submitted by NAS/IOM is estimated to be \$850,000.00.

The contractor will be required to obtain the necessary medical/scientific literature but will not need access to any VA records or VA computers.

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

- ☐ (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- ☐ (2) Unusual and Compelling Urgency per FAR 6.302-2;
- ☐ (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- ☐ (4) International Agreement per FAR 6.302-4
- ☒ (5) Authorized or Required by Statute FAR 6.302-5;
- ☐ (6) National Security per FAR 6.302-6;
- ☐ (7) Public Interest per FAR 6.302-7;

#### 5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the

FAR 6.302-3(a)(ii) provides that full and open competition need not be provided for when it is necessary to award the contract to a particular source to establish or maintain an essential research capability to be provided by a federally funded research and development center.

VA's requirement is for a study that will review existing literature on Gulf War chronic multisymptom illness and recommend one case definition based on this review. This study is essential to resolving a long-standing controversy affecting research related to the health problems of Veterans of the 1990-1991 Gulf War. A number of conflicting "case definitions" have been proposed for chronic multisymptom illness in Gulf War Veterans, and without agreement among researchers regarding the case definition, it is difficult to compare and evaluate results from different studies. The lack of a universally accepted case definition has impeded progress in developing adequate treatments for many of the ill Gulf War Veterans.

It is necessary to award this contract to the NAS to ensure an independent, unbiased review and consensus definition results from the study. It would be counterproductive to entertain competitive bids for a review of the medical/scientific publications described in the SOW because of the controversy that exists over the definition of chronic multisymptom illness. VA requires a consensus definition (based on the published literature) without the unavoidable biases of the authors of those publications. With a competitive bidding process, it is likely that authors of the various publications would assemble teams of experts and bid on the contract. If this contract is put out for bid, VA can expect challenges from unsuccessful bidders whose views differ from the successful bidder, and ultimately VA would not receive the unbiased evaluation of the literature requested in the SOW. VA is trying to eliminate (or at least minimize) the controversy by requesting that an unbiased entity perform the work outlined in the SOW.

NAS will provide an independent, unbiased review of the medical/scientific literature and make recommendations for a consensus definition of chronic multisymptom illness in Gulf War Veterans. VA has contracted with NAS in the past to perform studies for controversial issues related to military conflicts, where similar unbiased reviews and recommendations are required. For example, in [REDACTED]

NAS is chartered by Congress under 36 U.S.C. Chapter 1503 as a private, non-profit, non-governmental organization to advise the government on scientific and technological matters; [REDACTED]

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Full and open competition need not be provided for when it is necessary to award the contract to a particular source to establish or maintain an essential research or development capability. As discussed above, it is necessary to award the contract to NAS to develop an unbiased definition of chronic multisymptom illness in Gulf War veterans; competitive bidding would likely result in a biased evaluation counterproductive to this requirement.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer anticipates the cost noted in #2 above to be fair and reasonable, based on past price history, comparable salaries, and federally regulated travel and per diem costs.

Past price history with this contractor includes a review of medical literature and procedures in the FY2011 to FY2012 timeframe which was \$750,891 for one of the contract years. The cost estimate of \$850,000.00 for a twelve-month study is consistent with the previous study.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons**

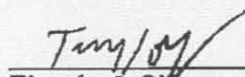
**Market Research Was Not Conducted:** As noted above, this requirement will be awarded on a sole source basis. Market research was conducted in order to build a basis for determining fair and reasonable pricing for this sole source request. Notice of intent to sole source was posted to FBO.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The NAS (IOM) can provide the objectivity necessary for recommending a consensus definition for chronic multisymptom illness in Gulf War Veterans by convening a committee of experts to review the medical/scientific literature. The findings and recommendations from such a committee will allow VA to encourage universal acceptance of a case definition and move forward with developing more effective treatments for ailing Veterans.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section #6 above.

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:** Given the unique nature of this requirement and the long-term implications of the results, services must be obtained through a sole-source contract with the NAS(IOM).

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.

  
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Timothy J. O'Leary  
Deputy Chief Research/Development Officer  
Office of Research & Development, VHA

2/1/2013  
\_\_\_\_\_  
Date

**13. Approvals in accordance with FAR 6.304:** *This part is filled out by Contracting Staff as part of the Justification*

- a. **CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
\_\_\_\_\_  
CONTRACTING OFFICER'S SIGNATURE

1/29/2013

\_\_\_\_\_  
DATE

Paula Stankovic, Contract Officer  
\_\_\_\_\_  
NAME AND TITLE

SAO EAST  
\_\_\_\_\_  
FACILITY

- b. **ONE LEVEL ABOVE THE CONTRACTING OFFICER:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
\_\_\_\_\_  
TREVOR MARTIN  
SUPERVISORY CONTRACT SPECIALIST  
SERVICE AREA OFFICE (SAO) - EAST

2/4/2013  
\_\_\_\_\_  
DATE

c. **NCM/PCM/DESIGNEE:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

SIGNATURE

DATE

JEFFREY R. RYAN  
Network Contract Manager, SAO East

**HIGHER LEVEL APPROVAL (Required For orders over \$500,000):**

d. **SAO:** I certify the justification meets requirements for restricting consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

SIGNATURE

DATE

DAVID M. FITZGERALD  
DIRECTOR, SAO East

e. **VHA HCA REVIEW AND APPROVAL (over \$500,000 to \$10 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4

NORBERT S. DOYLE  
Chief Procurement and Logistics Officer  
VHA Head of Contracting Activity (HCA)

DATE