

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval
For
Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 18, Mesa CCA for El Paso VA Health Care System (WTVAHCS) a Justification and Approval for Other Than Full and Open Competition. Transaction Number: 756-13-2-045-0038.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for Software Maintenance Renewal. This JOFOC comes as a result of a current, on-going requirement at WTVAHCS, OI&T team from Alere Informatics. This Point of Care information system is used by the Ancillary Testing Department to manage the Hemochron ITC diagnostic testing and Quality Control (QC) results. The El Paso VA Health Care System requires this service to maintain RALS system Software package and site licensing requirements for a firm-fixed price of \$38,000.00 to include base year and four option years by July 17, 2013.
3. **Description of Supplies/Services Required to Meet the Agency Needs:** The following services are required by the WTVAHCS. The Remote Automated Laboratory Systems (RALS) Software technology System License Agreement is part of the point of care testing connectivity software that is used to post patient test results to the electronic patient record (VISTA/CPRS). This software allows the end user to monitor tests done at the point of care and to meet numerous accreditation requirements for laboratory tests performed at the El Paso VA Health Care System, 5001 N. Piedras Street, El Paso, Texas 79930. This module is specific for instrumentation used for laboratory coagulation tests performed at the point of care. The RALS software is used to post patient results to the permanent record. The software license agreement ensures a continuity of services for this medical center and it's off site locations. The contractor Alere Informatics, INC shall provide RALS Plus ITC Coag devices module and interfacing and download sites to include:
 - a. Software Components:
 - RALS-Plus device software module for the ITC Coag device
 - RALS-LIS HL7 Interface (LIS is Vista).
 - RALS Remote Connect (RRC), if applicable
 - Other third party software, depending on system specifications.
 - b. Other Components:
 - RALS User Documentation will be provided in the current medium.Standard Training, instruction and consultation for the Customer required for the use of the RALS STS.
 - RALS Download Site connectivity
 - c. Hardware Components Provided by ALERE INFORMATICS, INC
 - RALS Dataports if applicable
 - Information Management System

Standard training, instruction, and consultation for the customer required for the use of the RALS STS.

The term of this license agreement shall commence as of the license effective date and shall remain in effect as long as the STS is licensed hereunder. The term of each license granted hereunder shall remain in effect for duration of the purchase order. The VA only commits to purchase orders of up to a year (12 months). The contractor's performance must be in compliance with all applicable state, federal and local laws and regulations. The Warranty is in effect for the entire duration of the contract. The contractor provides 24 hour, 7 days a week Technical Support by calling 1-877-627-7257. The Technical Support is available Monday through Friday, 8:30 a.m. to 5:30 p.m., EST. After business hours including weekends and holidays, an answering service is available with a 30 minute call back. Preventative Maintenance shall include: The Contractor shall provide free upgrades at no cost to the medical center. The Contractor provides documentation of services performed. Period of performance will be for 1 year with 4 option years with total time starting potentially from July 17, 2013 through July 16, 2018. (See attached SOW)

4. Statutory Authority Permitting Other than Full and Open Competition: 41 USC §253(g), as implemented by FAR 6.302-1.

- (X) (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 Use of the Authority Cited Above (applicability of authority): Alere Informatics has executive rights to produce, distribute and maintain the software label and bundle called RALS system. No dealers qualify to work on and maintain the product; furthermore, the product can be interfaced with Vista. Alere Informatics owns the Patent Rights to RALS system; therefore Alere Informatics is the only vendor qualified to service and sell RALS system and no other supplies or services will satisfy Agency Requirements per FAR 6.302-1.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable. Research on NASA SEWP and GSA eBuy revealed no qualified sources; furthermore, competition was not sought for this acquisition from these mandatory sources. Full and Open competition will be sought after one (1) year contract of the base year. The service is required by the WTVAHCS due to a previous software purchase from Alere Informatics for RALS system. The RALS system package is the only software used to coordinate and schedule training, certification and testing of critical medical personal at the WTVAHCS. The time needed to re-train employees on a new software package or than RALS system will also affect patient care. Initial installation and setup from a new contractor will cost the government four (4) times more money when compared to Alere Informatics. A Sources Sought Synopsis was posted to FedBizOpps (FBO) under VA258-13-I-0421 from April 1st through April 3rd, 2013. No contractors responded to this request (per FAR 5.202).

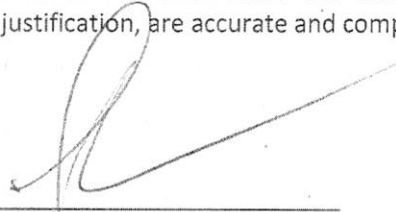
Other Actions: N/A

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The price offered by Alere Informatics, is the same rates for all of its Government clients and

is reasonable when compared to market prices and market ranges for similar services and supplies from other sources. The price given is the total with four option years is \$38,000.00. The purchase history in Vista IFCAP show (PO VA678-0P0748, VA678-8P4747) POs with trending or relatively consistent pricing at about \$8870.0 per year. The cost for RALS system maintenance is fair and reasonable based on the information presented above (FAR 6.303-2(a)(7)).

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market Research was conducted. No sources are available on GSA or NASA SEWP. The GSA eBuy FSS has no qualified sources and, research also showed that no NASA SEWP contractor has Alere Informatics products or service as CLINs. Full and open competition is not a good source because no other dealer is available. The selection for alternate equipment with minor modification will not work at this time. This procurement award (renewal) date is projected to start July 17, 2013 (See item 6 also).
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The maintenance renewal that is requested on this Justification and Approval is the singular property of Alere Informatics. The time required soliciting, competing, performing source selection; installing and re-train staff will seriously interrupt patient care and facility operations. In summary, Alere Informatics has patent rights and sole control over software and maintenance for RALS system (see FAR 6.302-1(b)(2)).
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** N/A
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:** Full and Open competition will be sought/considered during the annual renewal process if qualified sources are available, starting June 01, 2014. FBO is an acceptable source to seek competition for software and renewal service when sources are available.

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.



Olanrewaju B. Obisesan
Assistant Chief Pharmacy PHA
El Paso VA Health Care System

4/19/13

Date

Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification: (required)** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


Justin Hicks
Lead Contracting Officer
18 VISN NCA

6/27/13
Date

- b. **NCM/PCM:** I certify the justification meets requirements for other than full and open competition.


Sabrina J. Smith
Network Contract Manager
18 VISN

7/16/2013
Date