

DEPARTMENT OF VETERANS AFFAIRS

**SOLE SOURCE JUSTIFICATION UNDER SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL
ITEMS IN ACCORDANCE WITH FAR 13.5**

Acquisition Plan Action ID: 36C242-21-AP-3330

1. **Contracting Activity:** Department of Veterans Affairs, VISN 02 South, involving the following VA facility locations:

526 – James J. Peters VA Medical Center (130 W. Kingsbridge Rd., Bronx, NY 10468);

561 – New Jersey Healthcare System (385 Tremont Avenue, East Orange, NJ 07018);

630 – New York Harbor Healthcare System – Margaret Cochran Corbin campus (423 E 23 Street, New York, NY 10010);

630 – New York Harbor Healthcare System – Brooklyn campus (800 Poly Place, Brooklyn, NY 11209);

632 – Northport VA Medical Center (79 Middleville Road, Northport, NY 11768);

have submitted Purchase Request Numbers 526-21-4-167-0564, 561-21-4-668-0099, 630-21-4-132-0127, 630-21-4-132-0129, and 632-21-4-454-0424, to the VA Network Contracting Office 2 (James J. Peters VAMC, 130 W. Kingsbridge Rd., Bronx, NY 10468).

2. **Nature and/or Description of the Action Being Processed:**

This procurement is for CliniComp International Clinical Information System (CIS) Software and Hardware Support Services (CliniComp CIS services) in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2. This is a request for other than full and open competition for a proposed firm-fixed-price task order against the VA Strategic Acquisition Center (SAC) Blanket Purchase Agreement (BPA) 36C10G21A0002.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

Estimated value of the proposed action is \$4,186,596.00 (inclusive of options).

BPA 36C10G21A0002 was developed to standardize and streamline the acquisition of maintenance services for CliniComp CIS services throughout VA. The contractor shall provide all personnel, equipment, tools, materials, supervision, other items and non-personal services necessary to perform software and hardware support for the CliniComp International Inc., Electronic Health Records (EHR) Clinical Information Systems (CIS) as defined in the BPA.

The contractor shall provide labor, parts and materials reasonably required to maintain, repair or restore the contractor's SYaaS during the Period of Performance (PoP) to a condition ready for its ordinary and intended use at the VA Facilities. The PoP for this requirement is September 1, 2021 through August 31, 2022 with four option years.

All using sites will order BPA Line Item 0001, Annual Maintenance (SYaaS). Annual Maintenance (SYaaS) consists of: SYaaS – Hardware; SYaaS – Software; SYaaS – Interface; SYaaS – Support; Compliance; Configuration & Training (System Optimization); Disaster Operational Continuity; Real-Time Alerts; and VA-Wide Normalized Database with Ongoing Management.

4. Statutory Authority Permitting Restricted Competition:

FAR 13.5 Simplified Procedures for Certain Commercial Items. The statutory authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. § 1901 and is implemented by FAR 13.106-1(b)(2) for restricting competition on this procurement. **Competition is restricted on this procurement for the reason below:**

- Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements
- Unusual and Compelling Urgency
- Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services
- International Agreement
- Authorized or Required by Statute
- National Security
- Public Interest

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Under this BPA, the contractor provides System as a Service (SYaaS) to support the CIS software and hardware at all VAMCs using the CliniComp EHR CIS. CIS is a highly modified CIS to meet the VA's requirement. SYaaS means the system(s) solution, owned by the contractor and made available to the VA for enabling the capture, transmission and viewing of clinical information by VA personnel. The SYaaS includes the software, equipment, interfaces, support, accessories, features and services, described in the BPA. The overall intent of the work described in the BPA is to sustain the current capabilities at VAMCs where CIS instances are deployed, provide application and data access support for each site.

CliniComp International, Inc. is the only vendor capable and authorized to perform maintenance and repairs on its proprietary hardware and software currently deployed throughout the VA. The BPA is for the continued usage of ongoing support required to maintain functionality and operations of Clinical Information Systems (CIS), a CIS that uses CliniComp s International Inc software, software applications, and hardware. This requirement will continue the maintenance of the existing CIS services including software updates, upgrades, scheduled maintenance, unscheduled maintenance, technical support, data base administration support and training.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

On November 30, 2020, the VA SAC publicized a Notice of Intent (36C10G21Q0010) announcing their intent to solicit and negotiate a sole-source, firm fixed price BPA (Blanket Purchase Agreement) with CliniComp International Inc. Ultimately, BPA 36C10G21A0002 was awarded to CliniComp International Inc., effective August 24, 2021.

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:

Reference Assistant Under Secretary for Health for Operations Memo, dated August 12, 2021, Subject: CliniComp Blanket Purchase Agreement (BPA) Determination of Acceptance of Proposal and Exemption to Price Fair and Reasonableness. VHA accepts the terms and conditions of CliniComp's "Systems As A Service" model and commits, by way of this memorandum, to appropriately fund all

task orders at the rates proposed by the vendor for all respective VISNs who will utilize the executed agreement.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Other required market research techniques will be conducted for this procurement action, but alternative sources are virtually unlikely based on the efforts of the VA SAC.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: None.

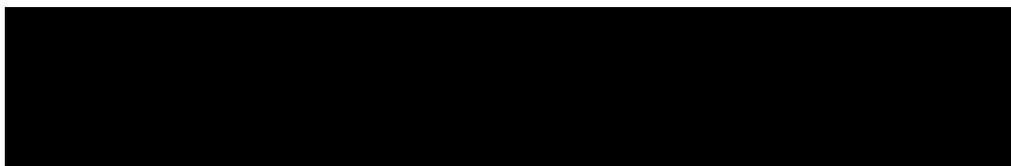
10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

CliniComp International, Inc.
DUNS 113412019
9655 Towne Center Dr.
San Diego, CA 92121

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:

In the same Notice of Intent (36C10G21Q0010), the SAC stated that “information received will normally be considered solely for the purpose of determining whether to conduct future competitive procurements for this item.”

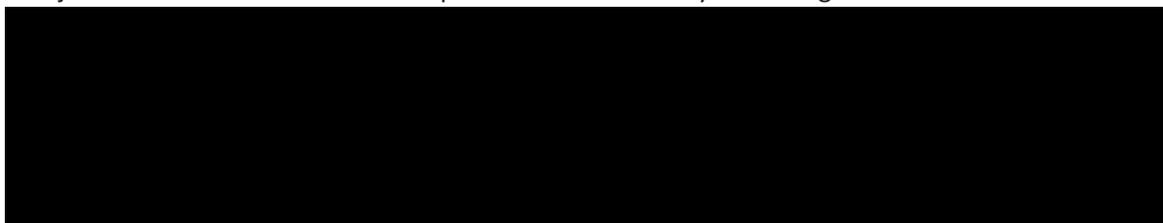
12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.



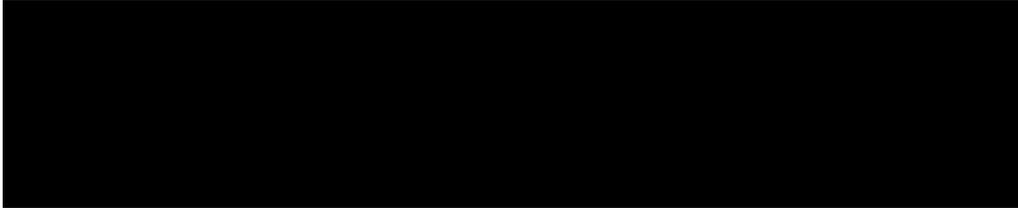
VISN 2 HTM Biomedical Information Systems
Syracuse VA Medical Center

13. Approvals in accordance with the [VHAPM Part 806.3 OFOC SOP](#):

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

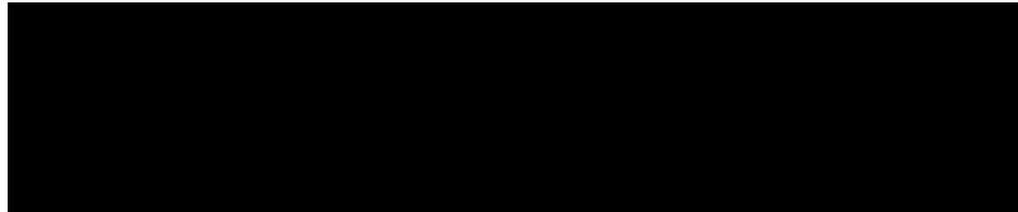


- b. **One Level Above the Contracting Officer (Required over SAT but not exceeding \$750K):** I certify the justification meets requirements for other than full and open competition.



NCO 2 Branch Chief – Services Team 2
Buffalo VA Medical Center

- c. **VHA RPO HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve (\$750K to \$7.5 million (or \$15.0 million for acquisitions described in FAR 13.500(c)) for other than full and open competition.



Regional Procurement Office – East (RPO-E)

No other signatures required.