**Attachment C**

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| **Justification and Approval for Sole Source (J&A)** |

*“Source Selection Information – see FAR 2.101 and 3.104”*

1. **Identification of the agency and contracting activity.** 
   1. **Federal agency and contracting activity.** **HHS/NIH.**
   2. **Sponsoring organization. OD**
   3. **Project Officer Information.** 
      * **Project Officer Name.** John Doe
      * **Mailing address.** XYZ
      * **E-mail address.** JohnDoe@nih.gov
      * **Telephone number.** 301-000-0000
2. **Nature and/or description of the action being approved.** 
   1. **Acquisition purpose and objectives.** The Division of ABC Services provides access to XYZ resources and services in support of the mission of NIH and several HHS agencies including the Office of the Secretary.
   2. **Project background.** For the past fifteen years the ABC has provided access to the ISI web-based product Web of Science to NIH researchers. This is a critical information source for the researchers, clinicians and administrative staff of NIH.

Each year more than a million searches are performed in Web of Knowledge by NIH staff. In 2007 NIH transitioned to the Internet version of the Web of Knowledge. In the intervening years *Journal Citation Reports (JCR)* also became available on the Web of Knowledge platform. This database is included in the current contract. Citations retrieved in Web of Knowledge are linked to the electronic journal holdings of the ABC. Web of Knowledge has allowed enhanced and timely access to information NIH staff needs to perform their work whether they are intramural researchers or extramural program administrators. This project will allow the ABC to continue to provide this valuable service to the NIH community.

1. **Description of the supplies or services required to meet the agency’s needs (including the estimated value).** 
   1. **Project title.** NIH Web of Knowledge platform
   2. **Project description.** The purpose of this requirement is to assure uninterrupted access to provide Web of Knowledge platform. This database is a commercial item. This information assists NIH researchers in accomplishing their work.

The contractor shall allow NIH to incorporate open URL enabled software into the Web of Knowledge databases to link search results to library holdings or document delivery services.

The contractor shall provide maintenance service in the form of periodic software updates and technical help support as part of the base price for the database and interface. Technical help support shall be available Monday through Friday during the contractor’s normal commercial business hours.

The contractor shall also provide any necessary documentation and training materials it has developed. Training material may be modified to suit the needs of NIH.

* 1. + **Requirement type.**

**❑** Research & development (R&D)

**❑** R & D support services

**❑** Support services (non-R&D)

**❑** Supplies/equipment

**❑** Information technology (IT)

**❑** Construction

**❑** Architect-engineer (A & E) services

**❑** Design-build  
**❑** Other (specify): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* + - **Type of action.**

**❑** New requirement

**❑**  Follow-on

**❑** Other (specify): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* + - **Proposed contract/order type.**

**❑** Firm-fixed-price

**❑** Other fixed-price (specify, e.g., fixed-price award-fee, fixed-price incentive-fee): \_\_\_\_\_\_\_\_\_\_

**❑** Cost-plus-fixed-fee

**❑** Other cost reimbursement (specify, e.g., cost-plus-award-fee, cost-plus-incentive-fee): \_\_\_\_\_\_\_\_\_\_\_

**❑**  Time and materials

**❑** Indefinite delivery (specify whether indefinite quantity,

Definite quantity or requirements): \_\_\_\_\_\_\_\_\_\_\_

**❑** Other (specify): \_\_\_\_\_\_\_\_\_\_\_  
**❑** Completion Form **❑** Term form

* + - **Acquisition identification number.** Sources Sought Number : NIHOD00000XX
  1. **Total estimated dollar value and performance/delivery period.** The estimated dollar value of this contract is $0.00000. The period of performance for the base year is May 22, 2014 – May 21, 2015, with three option year period.

1. **Identification of the statutory authority permitting other than full and open competition.**

**⌧** **This acquisition is conducted under the authority of 41 United States Code (U.S.C.) 253(c) (1) as set forth in Federal Acquisition Regulation (FAR) 6.302-(X).**

**❑** **This acquisition is conducted under the authority of section 4202 of the Clinger-Cohen Act of 1996.**

**❑ This acquisition is conducted under the authority of the Services Acquisition Reform Act of 2003 (41 U.S.C. 428a).**

1. **Demonstration that the proposed contractor(s) unique qualifications or the nature of the acquisition requires use of the authority cited.** 
   1. **Name and address of the proposed contractor(s).**

QRS, 1000 Street, Fifth Floor, MD 20871

* 1. **Nature of the acquisition and proposed unique qualifications of the contractor(s).**

The Web of Knowledge consists of the databases. Both are also copyrighted products and commercial items. In addition, QRS developed web that adds a unique capability to the databases accessible through the Web of Knowledge. This technique also is copyrighted.

The product is a valuable resource that is critical for NIH staff. No other product on the market offers the depth of coverage. It generally does not do as good a job covering the certain areas of studies. The NIH also subscribes to the database its functionality is unique, and coverage varies. Both are necessary but very different, which is why they could not reasonably compete against one another. Each brings different proprietary content and algorithms with it.

1. **Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable. Indicate whether a FedBizOpps notice was or will be publicized as required by FAR Subpart 5.2 and, if not, which exception under FAR 5.202 applies*.***

Market survey was conducted by publishing a sources sought notice (Number: NIHOD00000XX) on Fed bizOpp (FBO) on Februray15, 2014 with a closing date of March 15, 2014 to determine the “availability and capability of all qualified sources to perform the potential requirement described in the statement of work. Potential offerors were asked to submit capability statements that could demonstrate their ability to provide the needs in the statement of work. No responses (calls, emails, faxes, or mail) were received by the contract specialist at the announcement expiration due date and time.

Subsequently, pursuant to FAR subpart 5.2, a pre-solicitation notice was posted within a reasonable time since this is a commercial item on March 16, 2014 with a closing date of April 16, 2014 to inform the public that the NIH intended to negotiate with QRS, Inc. Potential offeror’s were also asked to submit capability statements to meet the specific requirements and instructions in the announcement. Again, no capability statements were received.

1. **Determination by the Contracting Officer that the anticipated cost/price to the Government will be fair and reasonable.**

An independent Government Cost Estimate has been developed (IGCE) based on the history of the previous contract, current market conditions and program expectations. However, to ensure that the price will be fair and reasonable, the data from the IGCE will be compared with the proposal received from the offeror. An award will be made only if during negotiations; it is shown that the anticipated cost to the government will be fair and reasonable.

The offeror is expected to submit price proposal for the base year and three option periods of the contract. Offeror has been notified of budget cuts from the ABC offices, and negotiations will be conducted to make the contract price reasonable.

1. **Description of the market research conducted (see FAR Part 10) and the results, or a statement of the reasons market research was not conducted.**

Market Research was conducted to compare the coverage and scope of services provided by QRS databases and similar databases. The result is in the table below.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Data system 1** | **Data system 2** | **Web of Knowledge** |
| **Email format(s)** | HTML or text | HTML or text | HTML or text |
| **Frequency of current awareness alerts** | Daily, Weekly, or Monthly | Daily, Weekly, or Monthly | Weekly or Monthly |
| **Searches per Account** | Unlimited | Unlimited | Unlimited |
| **Related articles** | Yes | Yes | Yes |
| **Response to zero results** | User choice | Notified | Notified |
| **Ease of Use** | Easy | Easy | Easy |

Based upon this market research, QRS, Inc. is the only vendor to meet the Government’s needs.

**9. Any other facts supporting the use of other than full and open competition.**

No other company produces a product that has the citation data reliably going back to 1900. Also, because the databases are proprietary products of QRS, Inc., and cannot legally be acquired from another source, QRS, Inc. is therefore the only responsible source that will satisfy this requirement.

1. **Listing of sources, if any, that expressed, in writing, an interest in the acquisition.**

No other sources have expressed interest in the acquisition.

1. **Statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the required supplies or services.**

It is anticipated that this requirement will exist after completion of the future contract. Market research will be conducted by comparing the database provided by QRS, Inc. with similar databases, as well as posting of sources sought and pre-solicitation notices on FBO seeking capability statements from potential offeror’s.

**12. Program office certification.**

**This is to certify that the portions of this justification that have been developed by the undersigned program office personnel, including supporting information and/or data verifying the Government’s minimum needs, schedule requirements and other rationale for other than full and open competition, are accurate and complete.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Official** | **Name & Title** | **Signature** | **Date** |
| **Project Officer** |  |  |  |
| **Project Officer’s Immediate Supervisor** |  |  |  |
| **Head of the Sponsoring Program Office** |  |  |  |

**13. Contracting Officer Certification.**

**This is to certify that the justification for the proposed acquisition has been reviewed and that to the best of my knowledge and belief the information and/or data provided to support the rationale and recommendation for approval is accurate and complete.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Official** | **Name & Title** | **Signature** | **Date** |
| **Contracting Officer** |  |  |  |

**14. Chief of the Contracting Office and Head of the Contracting Activity signature(s).** The Chief of the Contracting Office (CCO), if applicable, and the HCA shall indicate review of, and concurrence with, any J&A over $700,000[[1]](#footnote-1) by providing the information required below and signing in the applicable block.

|  |  |  |  |
| --- | --- | --- | --- |
| **Official** | **Name & Title** | **Signature** | **Date** |
| **Chief of the Contracting Office** |  |  |  |
| **Head of the Contracting Activity** |  |  |  |

**15. Competition Advocate signature.** The designated OPDIV Competition Advocate (CA), upon acceptance of the rationale provided in the J&A, shall complete the information required below and sign in the block provided as the approving official for any J&A over $700,000 but not exceeding $68 million[[2]](#footnote-2). However, if the CA does not meet the requirements of FAR 6.304(a)(3)(ii) for a J&A over $13.5 million, but not exceeding $68 million, an individual other than the CA shall exercise the approval authority.

The signature of the CA, or that of an individual meeting FAR 6.304(a)(3)(ii) requirements for a J&A over $13.5 million, but not exceeding $68 million, shall serve as concurrence on any J&A over $68 million that requires the approval of the HHS SPE.

|  |  |  |  |
| --- | --- | --- | --- |
| **Official** | **Name & Title** | **Signature** | **Date** |
| **Competition Advocate** |  |  |  |

**16. HHS Senior Procurement Executive signature.** The HHS SPE, upon acceptance of the rationale provided in the J&A, shall complete the information required below and sign in the block provided as the approving official for any J&A over $68 million[[3]](#footnote-3).

|  |  |  |  |
| --- | --- | --- | --- |
| **Official** | **Name & Title** | **Signature** | **Date** |
| **HHS Senior Procurement Executive** |  |  |  |

1. This review and concurrence requirement is applicable to the dollar ranges over $700,000 cited in the FAR, specifically: (i) over $700,000 but not exceeding $13.5 million; (ii) over $13.5 million but not exceeding $68 million; and (iii) over $68 million – see FAR 6.304(a)(2) through (4) and 13.501(a)(2)(ii) through (iv). See HHSAR 306.304 and 313.501(a)(1)(iii) for additional information regarding CCO/HCA review of and concurrence with a J&A in these dollar ranges. These dollar ranges are current as of the date of issuance of interim acquisition policy memorandum No. 2008-03, but are subject to change. [↑](#footnote-ref-1)
2. This approval authority is applicable to the following dollar ranges cited in the FAR, specifically: (i) over $700,000, but not exceeding $13.5 million; and (ii) over $13.5 million, but not exceeding $68 million – see FAR 6.304(a)(2) and (3) and 13.501(a)(2)(ii) and (iii). See HHSAR 306.304(a)(2) and (3) and 313.501(a)(ii) and (iii) for additional information regarding this approval authority, including when the CA does not meet the requirements of FAR 6.304(a)(3)(ii). These dollar ranges are current as of the date of issuance of interim acquisition policy memorandum No. 2008-03, but are subject to change. [↑](#footnote-ref-2)
3. This dollar range is current as of the date of issuance of interim acquisition policy memorandum No. 2008-03, but is subject to change – see FAR 6.304(a)(4) and 13.501(a)(2)(iv). See HHSAR 306.304(a)(4) and 313.501(a)(2)(iv) for additional information regarding SPE approval of a J&A in this dollar range. [↑](#footnote-ref-3)