

**DEPARTMENT OF VETERANS AFFAIRS
JUSTIFICATION AND APPROVAL
FOR
OTHER THAN FULL AND OPEN COMPETITION**

1. **Contracting Activity:** Department of Veterans Affairs
Network Contracting Office 23
708 3rd Street, Suite 200
Minneapolis, MN 55415

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

The proposed acquisition is for a 3-month short term bridge contract under FAR Part 6.302-2. The Government anticipates the award of a long-term contract for providing Chronic Dialysis Service for the Sioux Falls VA Health Care System within the next 2-3 months. The contractor shall furnish off-site Chronic Hemodialysis services for VA beneficiaries within the catchment area of the Sioux Falls Veterans Affairs Health Care System (SFVAHCS). The contract for these services will be with the incumbent Contractor, Sanford Health.

3. **Description of Supplies/Services Required to Meet the Agencies Needs:**

The proposed acquisition is for a three (3) month contract beginning 11/01/2013 through 1/31/2014. This contract has an estimated value of \$198,275.00. The Sioux Falls VA Health Care System has a requirement for off-site Chronic Hemodialysis services for veteran beneficiaries whose place of residence does not lend itself to a reasonable commute time to the SFVAHCS. Contractor shall be reimbursed a single fixed fee / per treatment all inclusive billing rate as negotiated and agreed upon at contract award.

The Government Estimate was prepared based on current patient volume and historical costs paid for 2011 – 2013. The previous contract was awarded off a competitive solicitation and was ultimately awarded to Sanford Health.

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

The statutory authority permitting other than full and open competition is 41 U.S.C.253(c) (2) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-2 entitled "Unusual and Compelling Urgency"

5. **Demonstrate that the Contractors Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above:**

The proposed source for this action is Sanford Health. Sanford Health is currently providing the required services under contract VA263-P-1210 which expires on October 31, 2013.

Network Contracting Office 23 Health Care Team One is currently working a competitive acquisition for a long term (base year plus four (4) option years) contract to procure these services for the Sioux Falls VA Health Care System, but are not ready to award. It is anticipated that award of a long term procurement will take place prior to the expiration of this action.

The current contract expires on October 31, 2013. Loss of services between that date and award of a long-term contract would significantly impact those veteran beneficiaries who require these services on a reoccurring basis and whose geographic location does not make repeated (or daily) travel to the SFVAHCS feasible.

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

The long term requirement will be solicited competitively.

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

Fair and reasonable pricing will be determined in accordance with FAR 15.404-2. Pricing will be evaluated to be fair and reasonable based on a comparison to the Independent Government Cost Estimate and previous contract costs. The negotiated price for off-site Chronic Hemodialysis Services will be in line with market prices from other community providers and Medicare rates.

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

Market research conducted in accordance with FAR Part 10 demonstrated that Sanford Health is a Non-Profit Corporation and is capable and able to provide the required services.

9. Any Other Facts Supporting the Use of Other than full and Open Competition:

The required service specified in the performance work statement is currently fulfilled by Sanford Health.

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

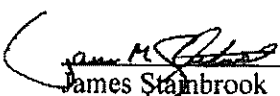
Not Applicable

11. A Statement of the Action, if Any, the Agency May Take to Remove or Overcome any Barriers to Competition Before Making Subsequent Acquisitions for the Supplies or Services required:

The Government anticipates the solicitation and award of a competitive contract by the expiration of the contract covered by this J&A.

12. Requirements Certification:

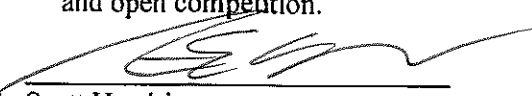
I certify that the requirement outlined in this Justification is a Bona Fide need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification are accurate and complete to the best of my knowledge and belief.


James Stambrook
Administrative Officer, Specialty Medicine

10/29/2013
Date

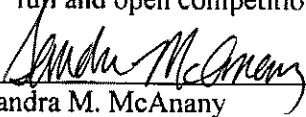
Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief, and I approve this justification for other than full and open competition.


Scott Hendrix
Contracting Officer

10/31/2013
Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.



Sandra M. McAnany

Product Line Contract Manager, NCO 23

10/31/2013
Date

