

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs (VA), VISN 04
Lebanon VA Medical Center (VAMC)
1700 S. Lincoln Ave. (Bldg 19)
Lebanon, PA 17042
Purchase Request No. 595-14-1-173-0001

2. **Nature and/or Description of the Action Being Processed:** This action is for the modification to Firm-Fixed-Price (FFP) Contract VA244-14-C-0008 awarded 29 September 2013 for Off-site Sleep Studies for the Lebanon VAMC. The contracted services include provision of facility, staff, equipment, and reports to provide sleep studies for Department of Veterans Affairs patients. This modification will increase the total contract value by \$97,500.00 from \$97,500.00 to \$195,000.00.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The required services are for sleep studies for VA beneficiaries. The Lebanon VAMC does not have a sleep study lab to perform these services. Outsourcing is the only option available in order to meet the needs of the Veteran beneficiaries. The services are provided off site at the contractors' location which is within 50 miles of the Lebanon VAMC so as to accommodate beneficiaries from driving unreasonable distances to receive services. The total estimated amount of the proposed action is \$97,500.00 for a three (3) month extension to the Period of Performance. The Period of Performance is being extended from 31 December 2013 through 31 March 2014.

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;

 - (8) FAR 52.211-6 Brand Name or Equal;
 - (9) FAR 6.302-19c Application for brand name justification descriptions;
 - (10) FAR 6.303-1 and FAR 6.304 Justifications

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

The source for this action is Respitech Medical, Inc., 250 Ranck Avenue, Lancaster, PA 17602-2516. In support of the Department of Veterans Affairs patients, this requirement provides necessary services for off-site sleep studies, including all personnel, supervision, supplies, materials, professional literature or reference material, electronic devices, electronic access and other services necessary to perform Polysomnography studies, interpretations and consultations for the Lebanon VA Medical Center.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Contract VA244-14-C-0008 was awarded for a three (3) month Period of Performance, 01 October 2013 – 31 December 2013. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Although potential sources may exist which can provide this requirement, it is anticipated that any other source would require at least 3-4 weeks transition time to be able to house and possess the necessary assets, personnel and inventory to perform this requirement. Due to the ongoing needs of the Veteran beneficiary population and patient care, the VHA needs to provide this off-site sleep study seamlessly, without a disruption to the scheduling of patients and their necessary medical care. Doing so could result in increased health risks and possibly serious injuries.

Accordingly, Respitech Medical Corporation is the only source capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements.

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

[REDACTED] This action was not synopsised in accordance with (IAW) FAR 5.202, as exception 5.202(a)(11), "The proposed contract action is made under the terms of an existing contract that was previously synopsised in sufficient detail to comply with the requirements of 5.207 with respect to the current proposed contract action" applies.

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

The Firm-Fixed-Price (FFP) for this Period of Performance requirement will be compared to the current cost of the off-site sleep studies being performed by the same source for the same amount of time. If there is no increase in price, then the price will be determined to be fair and reasonable to the Government. This is since this contract was awarded three (3) months ago and there have been no substantial changes in the marketplace which would have rendered the same price unreasonable at this point in time.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** As stated in item 6 above, no market research was conducted for this requirement. [REDACTED]

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** See item 5 above.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See item 7 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:** [REDACTED]

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.



Business Manager, Clinical Support
Lebanon VA Medical Center

9/24/2014
Date

13. Approvals in accordance with FAR 6.304

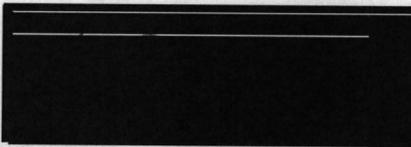
a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Chief of Contracting
Lebanon VA Medical Center

1/9/14
Date

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



Network Contract Manager
VISN/PCA X

1/9/14
Date

Title
Facility