

3/24/2014

14-0057-NC04- Home Oxygen
Erie (E)

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** The Prosthetic Department under Clinical Operations of the Department of Veterans Affairs, VISN 4, Erie VA Medical Center, Station #562 is submitting this "Justification for Other Than Full and Open Competition" for Home Oxygen Services. In accordance with VA Financial Policies and Procedures, Volume II, Chapter 6, Appendix A, it is not possible to estimate an annual amount for each patient on a VA Form 2237, as the number of patients provided home oxygen changes from month to month. Therefore, an obligation for the estimated amount of bills is required with the use of VA Form 1358.
2. **Nature and/or Description of the Action Being Processed:** This is an interim fixed-price contract that will supply Home Oxygen and related services to the veterans of the Erie VAMC. This is a new contract which will serve as a 6 month contract with a three month option period until the long-term VISN 4 contract can be awarded. The total estimated value of this request is \$660,000.00 for a 6 month contract with a three month option period. This price estimate is based on FY13 expenses from National Prosthetics Patient Database (NPPD) report for the Erie VAMC. The proposed sole source will be to Community Surgical Supply.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Contractor shall deliver and set up new and reissued oxygen equipment and accessories within the patient's residence and provide all the required documentation to the Erie VAMC. The contractor will also provide patient education on use of the oxygen equipment, emergency information, and provide written proof of the education. This is outlined in the Statement of Work provided by the Supervisor of Prosthetics and included with the procurement package.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (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:** Due to an unforeseen delay in the VISN 4 solicitation and award of a VISN 4 Home Oxygen contract, the Erie VAMC Home Oxygen contract was extended until 03/31/14. There currently is no contract in place to maintain these services after this date. The Erie VAMC has been informed that the VISN contract will not be awarded prior to the expiration date and will take approximately one year to process and award. Home Oxygen and related oxygen therapy interventions are lifesaving medical treatments that provide increased physical function and quality of life to the Veterans that rely on it.

Community Surgical Supply has a proven track record of successfully providing these services to the Erie VAMC. The current contract was competed prior to award and Community Surgical Supply provided a proposal that was determined to be the lowest priced, technically acceptable bid at the time of award. If the VISN 4 Home Oxygen contract can be awarded sooner, the interim contract for the Erie VAMC will be terminated for convenience.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Additional sources were not solicited due to the emergent need for this procurement and the limited time available to solicit additional offers. The contract that is in place now was competed when it was awarded and Community Surgical provided the lowest priced, technically acceptable bid. The expiration date of the current contract does not allow for competition of this procurement at this time.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Pricing from Community Surgical Supply was determined to be fair and reasonable when the contract was awarded.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A market survey was not conducted. The basis for a sole source contract to the existing supplier in this situation is to continue for a 6 month contract with three month option period for Home Oxygen services to veterans of the Erie VAMC until the VISN 4 Home Oxygen Contract can be awarded. Any other contractor is not realistic because of the startup costs and transition period required.
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:** None
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:**
Competition was not sought because Community Surgical Supply is currently providing the services. The current contract expiration date does not allow for the time required to solicit and review offers from competing vendors. Home oxygen is a medically necessary service and interruptions to that service would be life threatening.
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.

For Bernardette M. Hall
Gary D. Johnson
Chief, Clinical Operations
Erie VA Medical Center

3/19/14
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.

Jaimy S

Rand 200295

Digitally signed by Jaimy S Rand
200295
DN: dc=gov, dc=va, o=internal,
ou=people,
0.9.2342.19200300.100.1.1=jaimy.rand@va.gov, cn=Jaimy S Rand 200295
Date: 2014.03.19 13:35:22 -0400

3-19-2014

Jaimy S. Rand
Chief of Contracting
Erie VA Medical Center

Date

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

benjamin.iac
hini@va.gov

Digitally signed by
benjamin.iac@va.gov
DN: cn=benjamin.iac@va.gov
Date: 2014.03.19 13:43:17 -0400

3/19/2014

Benjamin P. Iachini
Network Contract Manager
VISN 4

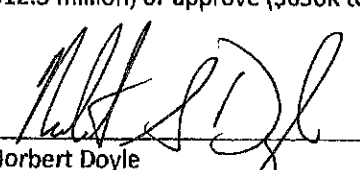
Date

- c. **SAO (If over 650K):** I certify the justification meets requirements for other than full and open competition.


Jeffrey Ryan
Acting Director
Service Area Office, East

3/20/14
Date

- d. **VHA 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 recommend approval (if over \$12.5 million) or approve (\$650K to 12.5 million) for other than full and open competition.


Norbert Doyle
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

3/24/14
Date