

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval

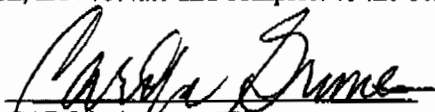
#### For

### Other Than Full and Open Competition

1. **Contracting Activity:** The Department of Veterans Affairs, Network Contracting Office (NCO) 6 and the Beckley VA Medical Center (VAMC) in Beckley, WV intends to contract by means other than full and open competition for Purchase Request 517-14-3-129-0098. The estimated price for this requirement is \$175,000.00.
2. **Nature and/or Description of the Action Being Processed:** This is an emergency sole source request for inpatient dialysis services. This requirement will be awarded as a firm-fixed price indefinite quantity indefinite delivery type contract. It is anticipated that this award will be made to Bio-Med Applications of West Virginia (Fresenius)
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This requirement is for inpatient dialysis services for all inpatient veterans including the Community Living Care (CLC) formally known as skilled nursing home care. Registered nurses specializing in acute care will perform the dialysis services on-site at the VAMC Beckley facility. It is anticipated that this award will be made to Bio-Medical Applications of West Virginia (Fresenius), 1737 Harper Road, Beckley, WV 25801. The performance period for these services is 01 April 2014-September 30, 2014.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(2), as implemented by FAR 6.302-2 "Unusual and Compelling Urgency".
  - ( ) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
  - (x) (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 (applicability of authority):** Based on the fact that the services are currently being provided by Fresenius substantiates that they are familiar with the unique requirements of the veteran population at Beckley, VAMC. There exists an immediate need to provide continued inpatient dialysis services to the VA beneficiaries of the Beckley, VAMC. It is imperative that a contractor experienced with the processes and requirements continue to provide this service pending award of a new contract. Fresenius currently provides this service for the Beckley VAMC and is the only company that can ensure that the service will be seamless to the beneficiaries. Fresenius is the only company available and capable of providing the service described above without the Beckley VAMC experiencing unacceptable delays in fulfilling its requirements. This is critical to patient care and the mission of the Beckley VAMC.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Due to the emergent nature of this requirement service cannot be interrupted, therefore no efforts to solicit from others offers was made. This 7 month contract is only intended as a temporary

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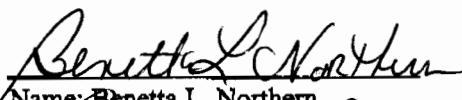
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Fresenius has agreed to provide services at the same rate as the current contract. Current contract prices on VA246-P-0294 were determined fair and reasonable prior to contract award. Should prices not be fair and reasonable, the Contracting Officer will negotiate with Fresenius until such time a fair and reasonable price can be agreed upon.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** None, due to urgency.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** As stated in paragraph 8 above due to the emergent nature of this requirement, and the ability of Fresenius to continue this service; it is not in the best interest to the Government to solicit for full and open competition at this time. Doing so would cause interrupted services to the veterans serviced by this contract.
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** None. This is normally a competitive requirement and will remain so going forward.
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.

  
CAROLYN GRIMES  
Chief, Acute Care Service Line  
Beckley VAMC

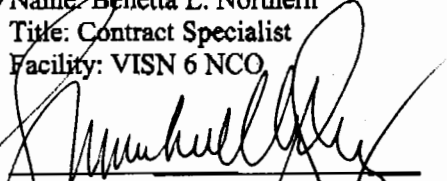
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Date

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.

  
Name: Benetta L. Northern  
Title: Contract Specialist  
Facility: VISN 6 NCO

3/19/2014  
Date

  
Name: Marchelle D. Peyton  
Title: Supervisory Contracting Officer  
Facility: VISN 6 NCO

3/20/2014  
Date