

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval

#### For

#### Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO 20), Puget Sound VA Health System (PSVAHS)
2. **Nature and/or Description of the Action Being Processed:** Solicitation # VA260-14-AP-5245. This procurement is for a new firm-fixed price Basic Ordering Agreement (BOA) for community nursing home services. This BOA will be awarded for a five-year period from date of award. The BOA will be reviewed annually prior to the anniversary of the effective date and revised as necessary. The requesting official has determined that due to geographic location and/or the specific services offered by Willow Springs Care, Inc. - Yakima, WA that the facility is the only responsible source to provide nursing home care to qualified Veterans.
3. **Description of Supplies or Services Required to Meet the Agency's Needs:** The contractor shall provide CNH services to meet the total medical, nursing, and psychosocial needs of VA beneficiaries and any specialty care services as identified as a particular need in the CNH program. All nursing home facilities in the PSVAHS program must have current Center for Medicare and Medicaid Services certification (Medicare and/or Medicaid), a State Nursing Home license and shall meet VA developed quality of care standards utilizing CMS inspection criteria.

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 in their respective CNH on a VA Form 2237, as the number of patients utilizing the services often changes month-to-month based on demand. Therefore, an obligation for the estimated amount of services requested will be accomplished through the use of VA Form 1358.

#### 4. Statutory Authority Permitting Restriction in 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;

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

Willow Springs Care, Inc. - Yakima, WA, as permitted by VHA Handbook 1143.2, was selected by Veterans and their families as the CNH of choice for CNH services based on location. Willow Springs Care, Inc. - Yakima, WA, having met all State inspection, insurance and licensing criteria required, met the VA's requirement. By virtue of these facts, this makes Willow Springs Care, Inc. - Yakima, WA uniquely qualified to provide the required CNH services on behalf of PSVAHS for qualified Veterans requesting such CNH services at that contractor's facility. The consequence of not having the ability to award a BOA to Willow Springs Care, Inc. - Yakima, WA would mean that a Veteran must be moved or placed in a different facility that could impact or impede their quality of care which could result in a life threatening situation.

Willow Springs Care, Inc. - Yakima, WA has a proven track record of successfully providing these services to PSVAHS under an expiring BOA. Accordingly, Willow Springs Care, Inc. - Yakima, WA is the only firm capable of providing the supplies and services described in paragraph 3 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:** VISN 20 allows CNH providers wishing to do business with the VA to provide their basic information and intent at any time, which is evaluated by the CNH Oversight Committee for compliance with the PSVAHS CNH program standards. If the CNH provider meets the standards, and fulfills a current need based on geographic location and/or type of care offered by the facility. Given the unique qualifications described in paragraph 5 above, additional sources were not solicited.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The pricing for this requirement will be based on the current published Medicaid rates determined by Washington State Department of Social and Health Services (DSHS). DSHS evaluates and establishes a basic daily rate for every licensed CNH within the State of Washington. Each CNH facility has been evaluated and assigned a specific level of care according to Medicaid's Resource Utilization Group (RUG) IV. Each level of care is assigned a Case Mix reimbursement that is applied to the basic daily rate and computed for a total daily amount to be applied to each patient receiving care.

The rates are determined fair and reasonable as they are a published price list established by the State of Washington and CMS.

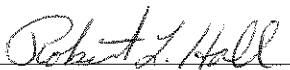
**8. Description of the Market Research Conducted and the Results, or Statement of Reasons Market Research was not conducted:** Market research was conducted using the Medicare's Nursing Home Compare ([www.medicare.gov](http://www.medicare.gov)) program to determine the number of facilities within a reasonable distance from the VA eligible beneficiary's needs. There are eleven (11) CNH facilities in Yakima, WA 98902. Additionally DSHS and VA performance ratings were reviewed and found to meet or exceed the VA nursing home program standards.

9. Any Other Facts Supporting the Restriction of Competition: None

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: None

11. Statement of 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 as the facility is currently providing services to eligible beneficiaries. CNH services are medically necessary and interruptions to services being provided could be life threatening.

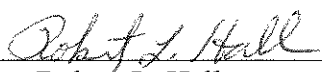
12. Requirements Certification: I certify that the requirement outlined in this justification is a bonafide need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

  
Name: Robert L. Hall  
Title: Contract Specialist  
Facility: NCO 20

June 30, 2014  
Date

13. Approvals in accordance with FAR 6.304:

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

  
Name: Robert L. Hall  
Title: Contract Specialist  
NCO 20

June 30, 2014  
Date

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

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Mary B. Accomando  
Medical Sharing Branch Manager  
(Alaska & Washington)  
NCO 20

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Date