

VA261-14-D-0124 SSJA Redacted

Wednesday, October 15, 2014
11:14 AM

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, VA Central California Health Care System PR 570-14-2-145-6986.
2. **Nature and/or Description of the Action Being Processed:** VA Central California Health Care System, requires home oxygen supplies for its beneficiaries. VISN 21 combined currently serves an estimated 2,400 oxygen-using patients and 4,000 Continuous Positive Air Pressure equipment using patients, of which Central California comprise a fair portion. The above services /supplies are to be procured via Firm Fixed Price contract vehicle.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Contractor will be responsible for coordinating, supervising, monitoring and evaluating performance of beneficiary visits for the delivery of home oxygen and other, or related devices which are listed in the above. The Contractor will also be responsible for any requested new patient set-ups and follow-up visits to be coordinated with the COR (Contracting Officer's Representative). Equipment maintenance and availability for Emergency response is also required. Estimated quantities per year are as follows:

ITEM NAME	UNIT	ESTIMATED YEARLY QUANTITIES
Rental of Contractor Owned Portable Concentrator System	Month	2100
Rental of Contractor Owned Low Decible Concentrator System	Month	1
Rental of Contractor Owned Owned Home Fill Oxygen System	Month	1
Rental of Contractor Owned Hi Flow Concentrator System	Month	1
Rental of Contractor Owned Portable O2 Gaseous System for use with or without Stationary System	Month	175
Rental of Contractor Owned Stationary Liquid O2 System	Month	20
Rental of Contractor Owned Portable Liquid O2 System	Month	20
Continuous Positive Airway Device (CPAP) Set-up	EA	10
Suction Pump	EA	10
Suction Pump Rental	EA	1
Rental of Contractor Owned Volume Ventilator	Month	1
Government Owned Ventilator Set-up	EA	1

Ventilator Maintenance	Month	1
Air Compressor	Month	3
Delivery Charge	EA	1
Respiratory Therapist Visit	EA	1
Full Face Masks	EA	
Nasal Interface Mask or Cannula Type	EA	
E Cylinder	CYL	250
D Cylinder	CYL	1
C Cylinder	CYL	1
M-6 Cylinder	CYL	250
H Tank	CYL	5
Liquide Oxygen	LB	4800

Anticipated Dollar Value for six month Base Period:

Three month Option:

2nd Three month Option: _____

Total:

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

10 U.S.C. 2304(c)(2) or 41 U.S.C. 253(c)(2).as implemented by FAR 6.302-2(a).

(X) (2) Unusual and Compelling Urgency per FAR 6.302-2;

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

Unusual and Compelling Urgency (FAR 6.302-2, 6.303-2(a)(9)(iii)) – The current contract for this supply is expired. There will be a five year procurement action to follow this bridge action to pick up where the previous contract left off, The emergency has not been caused by the lack of planning. The delay in award of a follow in contract is the result of a personnel issue. Due to the delay in the new contract, it appears that without a bridge action, VA patient care would be severely affected, as patients that require home oxygen, have no other means of obtaining support for their conditions. This bridge action is necessary due to the complexity of the requirement, in that the scheduling, and operational coordination from the Contractor generally requires a phase-in period of up to ninety (90) days to relay invaluable patient information, and coordinate transfer of patient equipment. This bridge action will allow for patient needs to be satisfied, and also for a more cohesive, competitive procurement action to be awarded than if we had to expedite a new award.

Any other action at this juncture would cause undue harm and serious injury to the Government and VA Patients.

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

This action will be synopsisized to the GPE as required by FAR 5.201.

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Actions taken to achieve maximum competition will be achieved through the new contract which is currently being processed.

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

The Contracting Officer has determined that the anticipated price will be determined to be fair and reasonable. A Price Negotiation Memorandum (PNM) will detail how the Government has determined that the anticipated costs will be fair and reasonable.

As this item has been determined to be commercial, cost or pricing data will not be required. Pricing techniques such as are described the FAR, will be used to establish price fairness and reasonableness.

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

There are a number of potential sources for this supply to include:

1. Agfa Healthcare Corporation
2. Alko Enterprises
3. Base Technologies
4. Blue Lab Medical LLC
5. Carestream Health Inc.
6. Fujifilm Medical Systems
7. GE Healthcare
8. McKesson Medical Imaging Group

Though these companies may be able to provide the supply needed to meet the requirement, there would be no time for transition, and so they will be considered and included in competition for the follow on contract.

Due to the urgency of this bridge action, little market research was conducted, as there is only one source that is able to provide continuity of service.

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

This is contemplated to be a bridge action to provide the needed supplies to VA Patients, only for the duration of time the new procurement action is pending award.

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

N/A

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:

A five year competitive contract action is planned following the bridge, and will seek to maximize competition. This bridge action will aid in the efforts of competition for the five year contract, as it will allow more time for interested parties to submit.

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.

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Name
Title **VA CENTRAL CA HEALTH**
Facility **CARE SYSTEM 570/121**
2615 E. CLINTON AVE.
FRESNO, CA 93703

6/30/2014
Date

13. **Approvals in accordance with FAR 301.603**

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

for

Patricia Benson
Contracting Officer
NCO 21

9/16/2014
Date

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

Patricia Benson
For Director of Contracting
NCO 21

9/16/2014
Date