

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 04, Louis A Johnson VA Medical Center
2. **Nature and/or Description of the Action Being Processed:** Firm Fixed Priced IDIQ Contract Sole Source for Home Oxygen. This is a request for other than full and open competition for the procurement of Home Oxygen Services from the incumbent to cover the time November 1, 2014 through February 28, 2015. Columbia Ancillary Services, Inc. is the incumbent of an expired contract. We have been actively procuring a five year contract for these services. This interim contract will provide Home Oxygen Services during the gap between the expired contract and the new contract to be awarded and will allow the possibility of a vendor change. Standard across NC04 VAs is 90 days for vendor change.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

The contractor will provide Home Oxygen Services and related supplies for Veterans and Beneficiaries of the Louis A. Johnson Healthcare System. The VAMC currently serves an estimated 1500 patients covering parts of northern West Virginia, southeast Ohio and southwest Pennsylvania. Required services include storage, delivery, set-up, adjustment, patient/caregiver instructions and recovery of equipment. Contractors shall have applicable expertise in government acquisition and program management disciplines. This contract covers November 1, 2014 through February 28, 2015. The estimated cost to the Government based on the Independent Government Cost Estimate provided by the Program Office, is \$420,168 for the period of performance. The length of service is the estimated procurement lead time that would be required to finalize the acquisition process and allow for possibility of changing vendors.
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 (applicability of authority):**

The incumbent is currently performing this complex requirement at a satisfactory level. A change in vendor would require finding a vendor that is capable of servicing approximately 1500 veterans across a diverse geographical area. None of our known interested vendors currently service this area. The Vendor would need to be established locally before the start of the period of performance as to meet the response time indicated in the statement of work. A vendor must also have ample rental equipment and supplies available to provide the required services and supplies to patients. Based on past experience locally and throughout the VISN and input from colleagues

to patients. Based on past experience locally and throughout the VISN and input from colleagues throughout the VISN, the Chief of Prosthetics estimates it would take approximately 45-60 days after the period of performance begins to fully and safely switch contractors. For this requirement, a disruption in services is not an acceptable solution.

This option represents the best value for the government and provides for continuity of care for our veterans. The incumbent is honoring prices from the last contract to bridge the gap between the expired contract and the new award. There will be no cumbersome process for exit and entrance between vendors. The incumbent is already set up to provide this service in the geographical area and they are proven capable and responsible. Their staff is familiar with our patients and our processes. For a four month contract sole sourcing our requirement to the incumbent is the only viable option available to the Government.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Changing vendors for a 4-month period while the contract requirement is being solicited is not an option based on the complexity of this requirement. There are approximately 1500 veterans serviced by this contract. The vast geographical areas serviced by this contract make it difficult and expensive to have the equipment switched out. The contractor is responsible for providing all the equipment and supplies that are necessary to service this contract. We do however anticipate awarded a competitive contract in the near future once evaluation of proposals is complete.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated price to the Government is \$420,168. This option represents the best value for the government. The incumbent is honoring prices from the last contract to bridge the gap between the expired contract and the new award. This price has already been proven fair and reasonable five years ago when the last contract was awarded and again each time an interim contract was put in place. Based on past pricing, market research and IGCE, the price is considered fair and reasonable. Based on comparisons to prices of other VA contracts, the prices is fair and reasonable (FAR 15.404-1). The incumbent is already set up to provide this service and they are proven capable and responsible.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The Government is awarding this contract to the incumbent to bridge the gap between the expired contract and the award of the contract currently under solicitation.
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:** *"See Section VI 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:** None
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.


PATRICIA FLANIGAN
Chief, Prosthetics/COTR
540

10/16/2014
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.


Alison Klein
Contract Specialist
Louis A Johnson VAMC

10/16/14
Date

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


for Supervisory Contract Specialist
Kristina Weir

10/16/14
Date