

# VA261-14-D-0231 SSJA REDACTED

Friday, October 17, 2014  
12:28 PM

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, VA San Francisco Medical Center.
2. **Nature and/or Description of the Action Being Processed:** VA San Francisco Medical Center 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 San Francisco 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#	ITEM NAME	HCPCS CODE	UNIT	ESTIMATED YEARLY QUANTITIES
1	Rental of Contractor Owned Portable Concentrator System	E1392	Month	1800
1a	Rental of Contractor Owned Low Decible Concentrator System	E1390	Month	110
1b	Rental of Contractor Owned Owned Home Fill Oxygen System	E1390	Month	15
1c	Rental of Contractor Owned Hi Flow Concentrator System	E1390	Month	25
2	Rental of Contractor Owned Portable O2 Gaseous System for use with or without Stationary System	E0431	Month	290
3	Rental of Contractor Owned Stationary Liquid O2 System	E0439	Month	150
4	Rental of Contractor Owned Portable Liquid O2 System	E0434	Month	150
5	Continuous Positive Airway Device (CPAP) Set-up	E0601	EA	5
6	CPAP Maintenance As Requested	E0601	EA	236

7	Continuous Positive Airway Device (CPAP) Set-up	E0601	EA	5
8	Bilevel Positive Airway Pressure Device Set-up	E0470	EA	5
9	BiLevel Maintenance As Requested	E0470	EA	19
10	BiLevel Set-up	E0470	EA	1
11	Nebulizers	E0570	EA	10
12	Suction Pump	E0600	EA	3
13	Suction Pump Rental	E0600	EA	1
14	Rental of Contractor Owned Volume Ventilator	E0450	Month	2
15	Government Owned Ventilator Set-up	E0450	EA	1
16	Ventilator Maintenance	E0450	Month	1
17	Air Compressor	E0565	Month	5
18	Delivery Charge	A9901	EA	25
19	Respiratory Therapist Visit	VA120	EA	10
20	Full Face Masks	A7030	EA	20
21	Nasal Interface Mask or Cannula Type	A7034	EA	40
R1	E Cylinder	E0443	CYL	250
R2	D Cylinder	E0443	CYL	45
R3	C Cylinder	E0443	CYL	45
R4	M-6 Cylinder	E0443	CYL	400
R5	H Tank	E0443	CYL	20
R6	Liquide Oxygen	E0444	LB	1000

Anticipated Dollar Value for six month Base Period: XXXXXXXXXX

**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)(ii))* – The current contract for this 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 synopsized to the GPE as required by FAR 5.201.

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.

  
Chief, P&SAS  
San Francisco, VAMC

9/16/2014  
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.



Daniel E. Czech  
Contracting Officer  
NCO 21

10/17/2014  
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

10/17/14  
Date