

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval

For

### Other Than Full and Open Competition

- 1. Contracting Activity:** The Community Health Nurse Coordinator under Patient Care Services of the Department of Veterans Affairs, VISN 4, Wilmington VA Medical Center, Station #460 is submitting this "Justification for Other Than Full and Open Competition" for Community Nursing Home (CNH) Services. 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 from month to month based on demand. Therefore, an obligation for the estimated amount of bills is required with the use of VA Form 1358.
- 2. Nature and/or Description of the Action Being Processed:** This is for a basic ordering agreement (BOA) established with each CNH with which this facility currently has respective Provider Agreements. This is a new BOA developed based on a template and instructions sent to the field through the Director of Contracting from VHA Acquisition Leadership. Estimated value of this request for a one-year period is \$285,690.00. This price estimate is based on the services required at Berlin Nursing Home for the Wilmington VAMC. The proposed sole source will be to Berlin Nursing and Rehabilitation.
- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** 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 VA's CNH program must have current Center for Medicare and Medicaid Services (CMS) certification (Medicare and/or Medicaid), a State nursing home license and shall meet VA developed quality of care standards utilizing CMS inspection criteria. Primary care/provider (medical doctor, nurse practitioner, and/or physician assistant) visits will be available at the rate of one (1) visit per month. Laboratory, x-ray, and other special services will be available to VA patients as needed. In addition, the care provided will include room, meals, nursing care, and other services or supplies commensurate with the VA-authorized level of care, without extra charge. Full attention shall be given to motivating and educating patients to achieve and maintain independence in the activities of daily living. Every effort shall be made to keep patients ambulatory and to achieve an optimal level of self-care.
- 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:** Berlin Nursing and Rehabilitation, 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. Berlin Nursing and Rehabilitation, having met all state inspection, insurance and licensing criteria required under provider agreement (as by contract), met the VA's requirement. By virtue of these facts, this makes Berlin Nursing and Rehabilitation uniquely qualified to provide the required CNH services on behalf of Wilmington VAMC for qualified Veterans requesting such CNH services there. The consequence of not having the ability to award a BOA to Berlin Nursing and Rehabilitation would mean the Veteran must be moved which could ultimately result in a life threatening situation. Berlin Nursing and Rehabilitation has passed VA inspections completed by Wilmington VAMC staff. Rates of the basic ordering agreement will be consistent with VA Central Office-approved Medicare rates for services provided at rural locations and are allowable rates for the resulting BOA.

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

**deemed practicable:** As described in paragraph 4 above, Berlin Nursing and Rehabilitation is the selected facility that meets VA inspection criteria. As such, given the potential consequences of not obtaining immediate nursing home care, no further sources were determined practicable at this time.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be**

**Fair and Reasonable:** As described in paragraph 4 above, rates for the BOA with Berlin Nursing and Rehabilitation are anticipated to be the same or better than current Medicare rates for services provided at rural locations. Given this consistency, pricing is anticipated to be determined as fair and reasonable when the BOA is awarded.

**8. Description of the Market Research Conducted and the Results, or a Statement of the**

**Reasons Market Research Was Not Conducted:** Given the short timeframe given to negotiate a contract with the CNH, a market survey was not conducted. The basis for a sole source contract to the existing provider in this situation is to provide immediate necessary care to a veteran to a source, meeting VA-established criteria, that can provide the immediate necessary care.

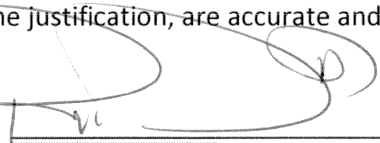
**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** None

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

Competition was not sought for the same reasons as described in paragraph 4 (above). CNH services are medically necessary and interruptions to that service would be life threatening.

**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.

  
\_\_\_\_\_  
Rutledge Davis III  
Executive Assistant, to the Associate Director of  
Patient Care Services  
Wilmington VA Medical Center

11/17/2014  
\_\_\_\_\_  
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.

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Contracting  
NCO4

- c. **SAO (If over 650K):** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Acting Director  
Service Area Office, East

- d. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$12.5 million) or approve (\$650K to 12.5 million) for other than full and open competition.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Norbert Doyle  
Chief Procurement and Logistics Officer  
VHA Head of Contracting Activity (HCA)