

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval (J&A)  
for  
Other Than Full and Open Competition (>\$150K)**

**1. Contracting Activity:**

Department of Veterans Affairs, VISN 23, Sioux Falls VA Health Care System  
Network Contracting Office 23  
2501 W 22<sup>nd</sup> Street  
Sioux Falls, South Dakota 57105  
Purchase Request: Health Care for Homeless Veterans (HCHV) Services to support the Sioux Falls VA Health Care System  
2237: 438-15-1-6356-0002

**2. Nature and/or Description of the Action Being Processed:**

This is an individual sole source justification for the procurement of Health Care for Homeless Veterans (HCHV) Services to support the Sioux Falls VA Health Care System. The contract for the services is anticipated to be above the simplified acquisition threshold and will result in a firm fixed-price indefinite delivery indefinite quantity contract based on line item pricing. The independent government cost estimate for the contract total is \$225,000.00. The period of performance for services will be from 04/01/2015 to 03/31/2016.

This acquisition will use the procedures of FAR 13.5 Test Program. In accordance with FAR 13.5 Test Program for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:**

The Sioux Falls VA Health Care System has a need for contracted services to support the Health Care for Homeless Veterans Contract Emergency Residential Services (HCHV-CERS). HCHV-CERS provides an opportunity to rapidly reduce homelessness among Veterans, particularly those who present with co-occurring mental health and substance use treatment needs and have been difficult to engage in treatment.

The contractor shall furnish services to the beneficiaries for whom such care is specifically authorized by the Veterans Health Administration (VHA). It is understood that the type of veterans to be cared for under this contract will require care and treatment services over and above the level of room and board and will include both men and women Veterans. The number of beds currently estimated is nine per day, but total beds needed may increase over the period of the contract.

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

The statutory authority permitting other than full and open competition is 41 U.S.C. 1901, as implemented by FAR 13.106-1(b)(2). FAR 13.5 Test Program: The authority for applying the Commercial Test Program of FAR 13.5 is Section 4202 of the Clinger-Cohen Act of 1996 and is utilized for restricting competition on this procurement.

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

Volunteers of America, Dakotas is the incumbent contractor and has all of the necessary resources, licenses, qualifications, and experience needed to provide the required HCHV services to support the Sioux Falls VA Health Care System. Due to the short turnaround time required to obtain the necessary services, the incumbent contractor has been deemed as the only contractor available to continue providing services without delay or interruption. Failure to issue a sole source contract would create a grave lapse in services for the Health Care for Homeless Veterans Services.

The period of performance under the current contract for the HCHV services expires as of March 31, 2015. The use of a sole source interim contract will ensure services continue without a lapse as the need for uninterrupted services is vital for homeless veterans. The interim contract will also provide adequate time to correctly plan for a long-term contract, provide a competitive solicitation among capable contractors, obtain the necessary reviews prior to contract award, and award a well-written contract.

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

Market research has determined that there may be other potential contractors who can provide the HCHV services; however, it has been determined not to compete this current requirement due to the reasons provided in Paragraph 5.

In accordance with FAR 13.501(a)(1)(iii), this justification will be made publically available on the Federal Business Opportunities website at [www.fbo.gov](http://www.fbo.gov) within fourteen days after contract award.

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

The Contracting Officer will determine the price to be fair and reasonable prior to contract award. The Sioux Falls VA Health Care System currently receives services under Contract VA263-P-1004 for \$74.00 per day per veteran. Based on previously paid prices for the same services, VA anticipates the pricing to be approximately \$76.00 per day per veteran. In accordance with FAR 13.106-3(a)(1)(ii), a comparison of the proposed price with prices found reasonable on previous purchases will be used to determine that the proposed price is fair and reasonable before making award.

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

Market research was conducted by the Contracting Officer previously assigned to the procurement request. A request for information was posted to the Federal Business Opportunities website. As a result of the market research, it was determined that there is not sufficient competition within the current marketplace.

Additionally, In accordance with FAR 13.501(a)(1)(iii), this justification will be made publically available on the Federal Business Opportunities website at [www.fbo.gov](http://www.fbo.gov) within fourteen days after contract award.

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:**

Barriers to competition will be overcome when the follow-on contract for HCHV services is competed among capable vendors.

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.



Candice Cummings  
Social Work Executive/Homeless Coordinator  
Sioux Falls VA Health Care System, Station 438

3/30/15  
Date

Chapter VI: Other Than Full and Open Competition (OFOC) SOP  
Attachment 3: Request for Sole Source Justification Format >\$150K

13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.

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

Kelly E. Nussbaum 246222 Digitally signed by Kelly E.  
Nussbaum 246222 03/30/2015  
\_\_\_\_\_  
Kelly Nussbaum Date  
Contracting Officer  
Network Contracting Office 23 (NCO 23)  
Sioux Falls, SD

- b. **Branch Chief**: I certify the justification meets requirements for other than full and open competition. I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Lori A. Fischer Digitally signed by Lori A. Fischer 711244  
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Lori Fischer Date  
Branch Chief - Services  
Network Contracting Office 23 (NCO 23)  
Sioux Falls, SD