

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval (J&A)**

**For**

**Other Than Full and Open Competition (>\$150K)**

1. **Contracting Activity:** The Prosthetics Department under the Financial Management Section of the Department of Veterans Affairs, VISN 4, Coatesville VA Medical Center (VAMC), Station 542 is submitting the "Justification for Other Than Full and Open Competition" for Home Oxygen 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 on a VA Form 2237, as the number of patients provided home oxygen changes from month to month. The obligation for the estimated amount of bills will be paid with the use of VA Government purchase Card on a monthly basis.
2. **Nature and/or Description of the Action Being Processed :** This is an interim fixed-price contract that will supply Home Oxygen and related services to the veterans of the Coatesville, VAMC. The request is for a new contract which will serve as six (6) month contract period until a long-term base contract with four one year options can be awarded the Coatesville VAMC.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Contractor shall deliver and set up new and re-issued oxygen equipment and accessories within the patient's residence and provide all documentation to the Coatesville VAMC. The Contractor will also provide patient education on the use of oxygen equipment, emergency information and provide written proof of the education. This is outlined in the Statement of Work provided by the Supervisor of Prosthetics and included with the procurement package. Therefore, the use of the VA Government Purchase Card is the most practical method for payment of estimated monthly bills.
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):** Due to an unforeseen delay in the VISN 4 solicitation there was no award of a VISN 4 Home Oxygen contract. The Coatesville VAMC Home Oxygen contract expired on November 30, 2014. There currently is no contract in place to maintain the services. The Prosthetic Chief of the Coatesville VAMC has been informed that a VISN Contract will not be awarded this fiscal year; no time frame has been given for an award. Home Oxygen and related oxygen therapy interventions are lifesaving medical treatments that provide increased physical function and quality of life to the veterans that rely on it. Rotech Healthcare has a proven track record of successfully providing these services to the Coatesville VAMC. The previous contract was competed prior to award and Rotech Healthcare provided a proposal that was determined to be lowest priced, technically acceptable bid at the time of award. If the long term Coatesville VAMC contract can be awarded sooner, the interim contract will be terminated for convenience.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Additional sources were not solicited due to the emergent need for this procurement and the limited time available to solicit additional offers. The contract for Home Oxygen services was competed when it was awarded and Rotech Healthcare provided the lowest priced, technically acceptable bid. The urgent and continued need for these services for direct patient care necessitates the need for an immediate contract. A long term competitive contract is being worked on in parallel with the interim contract. It is anticipated that the new contract will be awarded this fiscal year.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Pricing from Rotech Healthcare was determined to be fair and reasonable when the contract was awarded.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research indicates there are ample small businesses available to provide competition for the procurement, but there is not enough time to compete in order to avoid lapse in service. The basis for a sole source contract to the existing supplier in this situation is to continue services with a six month contract. Home Oxygen services will be provided to veterans of the Coatesville VAMC until a long term contract can be awarded. The urgent and continued need for these services for direct patient care necessitates the need for an immediate contract. A long term competitive contract for a base period with four one year options is being worked on in parallel.
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 because of the immediate continual need for home oxygen services for patient care. However, a long term competitive procurement is being worked on in parallel and anticipated for award at the end of the fiscal year.
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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Jessica Hontz  
Supervisor Prosthetics Section  
Coatesville VAMC - 542

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March 25, 2015

Date

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.

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Andrea Aultman-Smith  
Contract Specialist  
Network Contracting Office 4

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March 25, 2015

Date

- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.

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Elizabeth R. Morin  
Chief, Commodities Team 1  
Network Contracting Office 4

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Date