

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 08, Orlando VA Medical Center
VA 2237 Request Number: 675-15-1-1920-0041.
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for continued services of existing home oxygen services for approximately 1200 veterans for the area servicing the Orlando VAMC. The current contract expires June 30, 2015. This action facilitates an extension for the existing contract number VA248-15-D-0050.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** An extension to the current contract is required to ensure continuity of these critical services. An extensive market research involving numerous information sources was completed June 2015. The extension, from Jul 1, 2015 thru Sep 30, 2015 will provide sufficient time for the solicitation and award resulting from a competitive process. Estimated dollar value for the 3 month extension is \$609,642.25.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - () (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - (X) (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):** Respitem Medical-Care & Equipment is a responsible source currently providing supplies and services. The incumbent is a small business. Respitem Medical-Care & Equipment is experienced and has appropriate certification and licenses to perform home oxygen services in the State of Florida. The services provided are essential to the day to day life of Veterans receiving home oxygen services. Without this specialized care patients may experience severe shortness of breath and may become quite ill. Continuity of service is necessary to ensure a good quality of life can be maintained. Home oxygen service directly impacts patient care. Accordingly, Respitem Mdical-Care & Equipment is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Extensive market research was conducted using historical data, Internet, Journals, Schedules, and commercial suppliers/providers. Market research shows that there are suppliers that can perform services. However, a minimum period of 90 days is necessary for

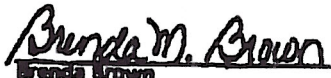
competition and start-up of service. Home oxygen services are critical. The proposed action is an extension of an existing contract. Extension notice will be via FedBizOps. No other offers were requested. The long-term contract will be publicized and competed in accordance with FAR Parts 5, 12, and 13.

Sources Sought Synopsis: A request for Information, VA248-15-N-1267, was posted to FBO.gov from which generated interest and offered data used to determine best procurement approach.

The proposed contract action is made under the conditions described in 6.302-2 and the Government would be seriously injured if the agency complies with the time periods specified in 5.203.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Price is determined to be fair and reasonable based on comparison of previously proposed prices. Additionally a survey of commercial market prices was used to determine price fair and reasonableness (supporting documents on file).
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 in accordance with FAR Part 10. Finding support a competitive process for satisfying the government's requirement. Through market research alternate sources identified. Industry was advised of the pending acquisition. Inquiries were made by industry about future opportunities and capability statements were provided by interested parties. Market research helped to confirm the availability of potential service providers. The VA will continue to conduct market research throughout the procurement process to monitor the market and remain aware of changes which may affect the procurement approach and process.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** These services are urgently needed to ensure the continuity of home oxygen for veterans. A lapse in service would pose a significant risk to the lives and welfare of veterans receiving care at the Orlando VAMC and its satellite clinics.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** A Sources Sought Notice, VA248-15-N-1267, was posted to FBO for information and planning purposes. The following sources expressed, in writing, interest in the acquisition and are anticipated to participate in the forthcoming competitive solicitation as appropriate: Apria Healthcare, Commonwealth Home Health Care, Inc., Community Surgical Supply, Eagle Home Medical Corp., Lincare Inc., Medical Equipment and Supplies of America, Respitec Medical-Care & Equipment, Inc., Rotech Healthcare Inc., Special Care Medical
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:** Factors identified as barriers have been addressed. The government intends to solicit competition for future requirements. Using the time allotted as a result of this extension allows the government necessary time to carry out a procurement process that fosters competition and allow offerors reasonable time to respond to solicitation
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,

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.


Brenda Brown
Chief, Prosthetic and Sensory
Aids Service
Orlando VA Medical Center

JUN 16 2015
Date

13. **Approvals in accordance with VHAPM, Vol. 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.


DANIEL PONTORIERO 295957

Daniel Pontoriero
Supervisor, Contracting Officer
NCO - 8 Orlando VA Medical Center

Digitally signed by DANIEL PONTORIERO 295957
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Date: 2015.06.17 10:20:15 -0400

Date

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


Kawan Afre
Division Chief, Commodities/Prosthetics
Department of Veterans Affairs
Network Contracting Office (NCO) - 8

Date

29 JUNE 2015