

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)
For
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, VA Palo Alto Health Care System, Nursing Service, 3801 Miranda Avenue, Palo Alto, CA 94304. Purchase request number 640-15-1-056-0006.
2. **Nature and/or Description of the Action Being Processed:** The Nursing Service is requesting a contract to include a base and four option years to provide legal representation to the Department of Veterans Affairs (DVA), Mental Health Department, for patients under the Lanterman-Petris-Short (LPS) Act. These patients have been involuntarily commitment to a mental health institution. A public defender, on behalf of a patient, may petition the court for a writ of habeas corpus. This is a recurring requirement to procure Legal Services with The Office of County Counsel, County of Santa Clara, who will act on behalf of the DVA. The contract will be firm-fixed price.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The contractor shall furnish all personnel, transportation and resources necessary to represent the DVA when a need arises from a petition from the court on behalf of a veteran retained under the Lanterman-Petris-Short Act. The Act provides for involuntary civil commitment to a mental health institution in the State of California. The contract will consist of a base year and four (4) one year option anticipated to begin on or about March 1, 2015 through February 29, 2020. The independent government estimate including options is \$232,500.00.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
FAR 6.302-1(a)(1) 41 U.S.C. 253(c)(1) The contracting officer has determined that the circumstances of the contract action deem only one source responsible and has the capability to provide the Department of Veterans Affairs, Mental Health Department with legal counsel.
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The Office of County Counsel is the sole entity in Santa Clara County capable of providing legal services as a representative of the VA, for involuntary patients at the VA Palo Alto Heath Care System. The Office of County Counsel is a government agency that has been authorized to represent the VA after a summons is executed. The Lanterman-Petris-Short (LPS) Act provides involuntary detention, assessment, evaluation, and crisis intervention of individuals who, due to a mental disorder pose a danger to themselves or others.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This requirement will not be synopsized in the GPE in accordance with FAR 5.202(a)(4) Exceptions. The contract action is authorized or required by statute to be made through another Government agency.
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 fair and reasonable in accordance with FAR 15.404-1(b)(2)(ii) and (vii). The aggregate dollar value anticipated for this contract is \$232,500.00. Based upon the aggregate dollar amount certified cost or pricing data is not required.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A determination is made to issue a sole-source award based upon the knowledge that The Office of County Counsel, County of Santa Clara, a U.S. Local Government, is the only entity to represent the Department of Veterans Affairs in the above stated legal matters. No other sources can provide this service.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Competition is not required for this acquisition because The Office of Counsel, County of Santa Clara is the only source with jurisdiction to represent the VA.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**
Office of County Counsel, County of Santa Clara, 70 W. Hedding Street, Floor 9, San Jose, CA 95110.
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:** No action will be taken as The Office of County Counsel is a mandated government agency to provide legal services.
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.
13. **Approvals in accordance with Chapter VI of the VHA Procurement Manual titled, Other Than Full and Open Competition.**
- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

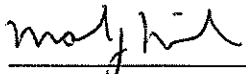
Phyllis C. Charles
534445

Digitally signed by Phyllis C. Charles 534445
DN: cn=Phyllis C. Charles, email=Phyllis.C.Charles@vha.va.gov, c=US
Reason: I agree to specified portions of this document.
Date: 2015.02.09 15:54:46 -0800

Phyllis Charles
Contracting Officer
NCO 21

Date

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



Mark Mikus
Branch Chief, Services Team 1
NCO 21

2-10-15

Date