

DEPARTMENT OF VETERANS AFFAIRS

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


1. **Contracting Activity:** Department of Veterans Affairs, Oklahoma City Healthcare System, Oklahoma City, Ok
2. **Nature and/or Description of the Action Being Processed:** This proposed sole source acquisition is to obtain, by use of other than full and open competition, the procurement of Inpatient Dialysis Services for Oklahoma City VA Medical Center. An interim/short term to the incumbent contractor who is currently performing under contract VA256-14-D-0216 due to the late arrival of complete acquisition package from the requestor for a follow on contract to the current one which is expiring. This service shall be provided at the Department of Veteran Affairs, Oklahoma City VA Medical Center.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** the proposed action is to provide continued Inpatient Dialysis Services to bridge the gap until the new solicitation can be issued awarded. Contractor provides onsite Inpatient Dialysis at the same hourly rate. The NAICS code for this procurement is 621492 Dialysis Centers and Clinics with a small business size standard of \$38.5.

Estimated Value: \$250,000.00

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):** Unusual and Compelling Urgency (FAR 6.302-2, 6.303-2(a)(9)(ii)). The incumbent is already performing the Inpatient Dialysis services required and has provide healthcare during the hours required and can therefore start performing on October 1, 2015 under a new contract with no interruption in service. The incumbent has an acceptable level of performance and is considered to be capable of continued positive performance of this service. There are no other procurement options actions available before 9/30/2015. The credentialing process will take three months. The Acquisition Plan needs approval before submitting the pre-solicitation phase. The review process will take at least 30-45 days to request for the bridge contract. However, the care of patients requires continued coverage for

the ongoing care of their emergent/urgent medical needs and therefore a bridge contract is required.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The proposed action will not be synopsisized due to Unusual and Compelling Urgency per FAR 6.302-2. This bridge contract is designed to allow for maximum competition for a five year contract in accordance with Public Law 109-463, the FAR, the VAAR and VHA Policy. An additional six months are needed to award the five year contract. This time will also be used to solicit and award the new contract in a manner that encourages small business participation. The sole purpose of this bridge contract is to allow for better competition of this requirement.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The cost associated with this contract will be reviewed against the existing contract pricing and negotiated to ensure that the resulting price is still fair and reasonable to the Government and the contractor. We anticipate a small rise in price due to market conditions such as inflation, and due to the shortened time period of the contract, but those increases should be relatively small.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** There is no market research conducted for the proposed action due to Unusual and Compelling Urgency per FAR 6.302-2. The market research will be conducted for the future competitive action. Current market research is not useful as the time required to successfully complete this action. Multiple vendors exist, however the time required soliciting the contract, credential providers, obtain security clearance, complete mandatory training requirements, train providers in the use of the VA electronic medical record and ensure knowledge of VA procedures and policies will not be able to start performance on October 1, 2015.
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:** Total Renal Care, Inc.
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:** As described in section 8, this action is being pursued to allow for the proper competition of this need at the strategic sourcing level. Future contracts will be done competitively.
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.


Karli Patterson
Administrative Officer

Date

9/15/2015

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

Emergencies: In situations where an unusual and compelling urgency precludes full and open competition or delay in award of a contract would result in serious injury, financial or other, to the VA/Veteran, the Contract Specialist must notify the approval authority as soon as practicable to gain approval and document the contract file.

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

Kieu Trinh Dinh

Digitally signed by Kieu Trinh Dinh
DN: cn=Kieu Trinh Dinh, o=Michael E. DeBailey VA
Medical Center, ou=NCO 16, email=kieu.dinh@va.gov,
c=US
Reason: I agree to specified portions of this document.
Date: 2015.09.15 15:54:16 -05'00'

Kieu Trish Dinh
Contracting Officer VISN 16

Date _____

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

AARON VILLALPANDO
178014

Digitally signed by AARON VILLALPANDO 178014
DN: cn=Aaron Villalpando, o=Michael E. DeBailey VA
Medical Center, ou=NCO 16, email=aaron.villalpando@va.gov, cn=AARON
VILLALPANDO 178014
Reason: I agree to specified portions of this document.
Date: 2015.09.21 14:27:49 -05'00'

Aaron Villalpando
NCO16 Director of Contracting

Date _____