

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition (>\$150K)

1. **Contracting Activity:** Department of Veterans Affairs, VISN 08, Orlando VA Medical Center.
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for home oxygen services for Orlando VA Medical Center (OVAMC). The current contract expires Sep 30, 2015. OVAMC Contracting Office has an active competitive solicitation (RFQ VA248-15-Q-1560) posted in Federal Business Opportunities. The solicitation is set to close October 13, 2015. This short-term contract will be a firm fixed-price contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** OVAMC, 5201 Raymond Street, Orlando, FL 32803 has a need for home oxygen services for approximately 1200 Veterans. This action establishes an interim contract to ensure continuity of critical healthcare services while a competitive solicitation process is carried out. The contract performance period is from Oct 1, 2015 thru Dec 31, 2015. Estimated dollar value for the performance period 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):** Respitemc Medical-Care & Equipment is a responsible source currently providing home oxygen services. Respitemc Medical-Care & Equipment, Inc., is a small business with 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 or even to the point of death. Continuity of service is necessary to ensure Veterans receiving home oxygen services are able to maintain a good quality of life. Home oxygen service directly impacts patient care. Adequate time is needed to establish services and carry out a competitive process. Accordingly, as the incumbent, Respitemc Medical-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:** Market research shows that there are suppliers that can perform services. Solicitation for home oxygen services for OVAMC was posted Federal Business Opportunities (FBO). The solicitation number is RFQ VA248-15-Q-1560. All responsible sources may submit a response which, if timely received, will be considered.

The long-term contract is publicized and competed in accordance with FAR Parts 5, 12, and 13. This notice is publicized via FedBizOps and serves as the Justification & Approval to award a short term contract to Respitem Medical Care & Equipment for the period stated herein. No other offers were requested.

- 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 and historical contract pricing. Additionally a survey of commercial market prices was used to determine price fair and reasonableness.

- 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. Finding support a competitive process for satisfying the government's future requirement.

- 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:

Apria Healthcare, Commonwealth Home Health Care, Inc., Community Surgical Supply, Eagle Home Medical Corp., Lincare Inc., Medical Equipment and Supplies of America, Respitem 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 above. The government has an active solicitation posted to FBO.gov. Using the time allotted as a result of this performance extension allows the government the time needed 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, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

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

09.18.15
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

Digitally signed by DANIEL PONTORIERO 295957
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=daniel.pontoriero@va.gov, cn=DANIEL
PONTORIERO 295957
Reason: I agree to specified portions of this document.
Date: 2015.09.18 17:51:57 -04'00'

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

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