

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval (J&A)**  
**For**  
**Other Than Full and Open Competition**

Acquisition Plan Action ID: [REDACTED]

1. **Contracting Activity:** The U.S. Department of Veteran Affairs (VA), Veteran Healthcare Network (VISN) 08, VA Caribbean Healthcare System, 10 Cassia Street San Juan, PR 00921-3201 is submitting this "Justification for Other Than Full and Open Competition" for Homemaker and Home Health Aide (H/HHA) services. This action is to establish a Basic Ordering Agreement (BOA) [REDACTED] with the [REDACTED] [REDACTED] with which the VA [REDACTED] H/HHA to veterans. The period of performance (POP) is from 3/11/2016 through 9/30/2016.
2. **Nature and/or Description of the Action Being Processed:** The Government intends to negotiate a sole source agreement for services to support eligible veteran(s) that meet the requirements for H/HHA. The Government anticipates an award of a BOA for a total of six (6) months, with task order (s) placed not to exceed the estimated cost of \$649,000.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Contractor shall provide H/HHA services to include but are not limited to: Assistance with Activities of Daily Living (ADLs), such as, bathing; toileting; eating; dressing; aid in ambulating or transfers; active and passive exercises; assistance with medical equipment; routine health monitoring; and, specific household tasks to maintain environmental safety for the patient. The prescribed Services will be purchased from the Vendor identified because they are able to meet the Veteran's medical need. H/HHA Services are prescribed by the Veteran's attending Physician who has the authority to prescribe the method of treatment to best satisfy the medical condition of his/her patient. The physician has determined this service company is the best to treat the patient's medical condition and functional limitations based on licenses, unique treatment type, and geographical location. This company is selected because of proper licensing within the unique municipalities of Puerto Rico and the Virgin Islands.
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; (a), (1), (2). The application of this request is FAR 6.302-1; (b) (1), (i).

Public Law (PL) 88-450, PL 106-117 "Veterans Millennium Act" and 38 U.S. Code § 1717 – "Home Health Services" as part of medical services furnished to a veteran under section 1710(a) of this title, the Secretary may furnish such home health services as the Secretary finds to be necessary or appropriate for the effective and economical treatment of the veteran. The VHA policy is that H/HHA services are Geriatrics and Extended Care Services. As such, Geriatrics and Extended Care provides services for Veterans who are elderly and

have complex needs are provided daily support and assistance. Veterans can receive H/HHA services by licensed companies within their geographical location at the VA's expense. H/HHA Services are prescribed by the Veteran's attending Physician who has the authority to prescribe the method of treatment to best satisfy the medical condition of his/her patient. The physician has determined this service company is the best to treat the patient's medical condition and functional limitations based on licenses, unique treatment type, and geographical location within the unique municipalities of Puerto Rico and the Virgin Islands. Per Director of Business Policy, Department of Veterans Affairs, Central Business Office (CBO) is currently working on Provider Agreements for Non-VA Care Coordination (NVCC) for H/HHA services. However, as of February 11, 2016, the provider agreement for Veteran Health Care Network (VISN) 08 is not ready. The recommendation is use a short term Basic Ordering Agreement (BOA) until H/HHA services can be placed under the nationwide PC3/Choice Program.

**5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** [REDACTED]

[REDACTED] as permitted by Veterans Health Administration, has demonstrated the unique qualifications as indicated by the current [REDACTED] [REDACTED] [REDACTED] was selected by Veterans and their families along with the necessary requirement in which a Veterans Administration (VA) physician prescribes H/HHA service as deemed medically necessary and appropriate for enrolled veterans. [REDACTED] meets all state inspection, insurance and licensing criteria for the VA's requirement to provide H/HHA services. As such, this makes [REDACTED] [REDACTED] qualified to provide the required H/HHA services on behalf of the VA Caribbean Healthcare System for qualified veterans whom require such services. A break in continuity of care to veterans would prove detrimental and negatively impact the quality of life for the aged veteran population who require critical assisted services and a supportive environment. The objective is to meet the healthcare needs and promote maximum wellbeing.

Within the near future, for the health and well-being of the veteran(s), VA requires BOAs in a variety of geographies so that veteran patients can receive H/HHA services within their local area of living. The consequences of not having the ability to award this BOA would result in loss of continuity of care and could ultimately result in a life threatening situation. Also, a break in continuity of care to the veterans would prove detrimental and negatively impact the wellbeing of the veteran(s) requiring assistance.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** VA's Geriatrics & Extended Care program personnel have unique resources at their disposal, including H/HHA companies to compare. VA's Geriatrics & Extended Care program personnel have identified [REDACTED] as the contractor who holds the [REDACTED] and is physician selected for the geographical

area of this request. They further identified the H/HHA services are located within the VA Caribbean Healthcare System, which includes Puerto Rico and the Virgin Islands. As such, when Geriatrics & Extended Care Program personnel submit a requirement for a region or a county, they have access to information that shows how many the H/HHA companies that are in the area. Accordingly, VA personnel will be knowledgeable of whether a given H/HHA program is available to provide the needed support in a particular geographical area.

The contractor is currently and has in the past successfully provided services to Veterans, is knowledgeable of VA procedures and requirements. Additionally this contractor is chosen by referring physician of Geriatric and Extended Care services. A change in environment would be emotionally and mentally disruptive to their Well-being as well as, to their families and caregivers.

Given the emergent need for this procurement based on the expiration of the current provider agreement as explained previously on sections one (1) through five (5), this procurement is recommended awarded as prescribed in the public law located in paragraph number five (5).

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** In terms of pricing, the BOA will contain [REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

The Contracting Officer (CO) has determined that fair and reasonable pricing has been established [REDACTED] The estimated effective date of this BOA is 3/11/2016.

**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 by the Geriatrics & Extended Care program personnel and queried the H/HHA website to determine the availability of H/HHA services in the subject area. It was determined that

there is no other H/HHA (s) in a geographically convenient and properly licensed within the unique municipalities of the veteran(s) home.

Based upon market research the contracting officer has determined this action to be in the best interest of the Government to place veteran(s) in the [REDACTED] This is the one source available to meet this unique location requirement.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** All pertinent facts have been noted above.

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 [REDACTED] is currently providing services to our veterans through the current [REDACTED] which will expire on 3/11/2016. The H/HHA services are medically necessary and interruption to the service would be life threatening. A short term BOA will be established for six (6) months, with task orders not to exceed the estimated cost of \$649,000 in accordance with the VHA Procurement Manual Standard Operating Procedure.