

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA256-16-AP-1350

1. Contracting Activity:

Department of Veterans Affairs, SAO Central, Network Contracting Office 16, Medical Sharing Team A.

Requirement processed for Department of Veterans Affairs, VISN 16, Station 564, Veterans Health Care System of the Ozarks Medical Center located in Fayetteville Arkansas. The VA 2237 Purchase Request for this action is 564-16-3-111-0004.

2. Nature and/or Description of the Action Being Processed:

This Justification and Approval is required to issue a six months bridge contract on an urgency basis to assure no disruption to inpatient hemodialysis and related services at The Veterans Health Care System of the Ozarks (hereinafter VHSC), Fayetteville, Arkansas. This new short term indefinite-delivery-indefinite-quantity contract will assure patient care while a new three year (base period plus two one year options) can be awarded on a competitive (small business set aside) basis. This bridge contract will enable inpatient hemodialysis services to continue during the three year contract acquisition process. Without this contract Veteran care would be adversely affected.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

The Veterans Health Care System of the Ozarks (VHSC) Medical Center, Fayetteville, Arkansas, has a requirement to furnish hemodialysis and related services to inpatient beneficiaries. The contractor shall provide all necessary equipment, personnel, dialysis-specific supplies, and supervision to perform inpatient hemodialysis treatments at the Veterans Health Care System of the Ozarks (VHSC), 1100 North College Avenue, Fayetteville, Arkansas. This includes all inpatient hemodialysis needs, both acute and/or chronic. The NAICS code for this procurement is 621492, Hemodialysis centers and Clinics with a small business size standard of \$38.5 million. The performance period for this bridge contract is April 1, 2016 through September 30, 2016. The estimated value for this six month period is [REDACTED].

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;
- ☒ (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):

The current contract was issued on a full and open competition after exclusion of sources (small business set aside) basis on July 26, 2010. Only one response was received and requirements contract VA256-P-1053 was awarded on October 1, 2010 to Doctor Shamsul Alam. The current contractor's System for Award Management (SAM) registration is in the name of "Alam, Shamsul" (hereinafter Dr. Alam). VHSO does not have the capability to provide this service.

By the time VHSO received this information there was not enough contracting time left to complete all the requirements for a Medical Sharing contract in a timely manner.

Hemodialysis services are highly specialized and Dr. Alam has been providing inpatient dialysis services in an acceptable manner since 2010. Additionally VHSO would not experience any delays in fulfilling the requirements due to the credentialing/privileging time lags, security documentation, fingerprinting, orientation and the mandatory training requirements that would add months on to the probable contract start date. Dr. Alam's firm has been performing the dialysis treatments in an acceptable manner and continues to be the only firm known to perform the dialysis treatment requirements. He has the equipment onsite at this facility. He and his providers are currently credentialed for another year. Dr. Alam has the current capability to provide these vital services with no lapse in coverage. There is insufficient time to compete this action but at this time Dr. Alam is the only know source in the Fayetteville Arkansas area capable and willing to supply these services. Lack of hemodialysis services would be disrupted and have a negative effect on Veteran's healthcare. If services are not procured on an urgency basis from Dr. Alam, then there will be a lapse in services that will result in undue harm to inpatients serviced by VHSO. Therefore, in the interest of providing continued patient care to Veterans in the Fayetteville VAMC approval of a 6 month bridge contract is needed while a new contract is being solicited and awarded. If service cannot be established by April 1, 2015 there will be patients who will no longer have access to hemodialysis services. This could potentially be life threatening to some veterans. The six month time period is the minimum period of performance necessary to allow for the new three year contract or an interim contract to be awarded.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

The current contractor, Dr. Alam, a small business is the only known firm that has indicated an interest in providing these services. The current contractor is the only known firm capable of providing the services on April 1, 2016.


7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

Contracting Officer determines that the anticipated cost to the government will be fair and reasonable in that the pricing methodology used will be the same as the current contract that was negotiated and already determined to be fair and reasonable.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

Market research disclosed no other source for these services. No other firm has been identified that is capable and willing to perform these services in the Fayetteville Arkansas area. The Contracting Officer Representative phoned local companies in the area and all companies contacted were either unwilling to deal with VA or did not provide the services needed.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**


services. Hemodialysis services are highly specialized. The current contractor is the only known firm capable of providing the services required. Without continued contract coverage all services will need to be stopped, and Veterans will not be given the care they need.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

There are no other firms who have expressed an interest in providing dialysis treatment at this facility. The only known firm who has an interest and is capable is the current contractor: Alam, Shamsul, 2100 SW Nottingham Ave, Bentonville AR 72712 – 7804.

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:**

There are no actions planned because there are no known VA created barriers.

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.

[Redacted Signature]

Assistant Chief, Medical Service
Veterans Health Care System of the Ozarks

Date

3/15/16

13. Approvals in accordance with the VHAPM, Volume 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.

[Redacted Signature]

Contracting Officer
Network Contracting Office 16

Date

3-18-2016

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

[Redacted Signature]

Director of Contracting
Network Contracting Office 16

Date