

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 648-17-1-270-0004

1. Contracting Activity: Department of Veterans Affairs, Network Contracting Office (NCO) 20, Veteran Affairs Portland Health Care System (VAPORHCS), 3710 SW U.S. Veterans Hospital Road, Portland, Oregon, 97239. The Social Work Service line submitted Purchase Request 648-17-1-270-0004, requesting a non-personal services contract to provide Transplant Lodging.

2. Nature and/or Description of the Action Being Processed: This is a request (648-17-1-270-0004) for other than full and open competition to enter into a single firm fixed price contract with Equity Inns Realty, LLC for Transplant Lodging for the VAPORHCS. This procurement will be awarded as a new purchase order on a firm-fixed price basis.

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

3.1 The Contractor shall provide Transplant Lodging for the VAPORHCS.

3.2 The VAPORHCS provides temporary, overnight lodging in accordance with VHA Directive 2012-018 Solid Organ and Bone Marrow Transplantation for patients who receive kidney and liver transplantation at VAPORHCS. The VAPORHCS is a regional and national referral center for kidney and liver transplantation and has utilized an on-campus Transplant Lodging Unit to support the transplant care of the patient, caregiver, and, when applicable, the living donor and caregiver. VAPORHCS currently provides approximately 530 nights of lodging for associated transplant care. This is required to continue to provide this support for Veterans receiving transplantation care at VAPORHCS.

3.3 The VAPORHCS' Transplant Lodging Unit (TLU) on the Vancouver campus will be temporarily closed due to construction happening on the campus and as a precautionary measure and in following Centers for Disease Control (CDC) guidelines regarding construction and transplant patients, Infectious Disease/Infection Control, the TLU will be closed during the construction on the Vancouver campus and temporary long-term lodging will need to be provided until the TLU re-opens. Transplant patients and their accompanying caregiver are lodged for up to 90 days; therefore, each hotel/motel room must accommodate two adults and include a fully-equipped kitchenette.

3.5 The estimated dollar amount is \$228,150.00

3.6 The period of performance is 6 October 2016 through 31 December 2016

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;

FAR13.5 Simplified Procedures for Certain Commercial Items: The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

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

5.1 Per Federal Acquisition Regulation (FAR) 13.106-1(b), Equity Inn Realty, LLC is the only vendor able to provide this service. Due to the urgency of the Government needing this service, there was no adequate time for competition.

5.2 An on-call Contracting Officer, Mary Accomando received an emergency call on 5 October 2016 from the Social Work Service line stating that the VAPORHCS requires a long-term lodging option for transplant patients and their accompanying caregiver immediately due to the sudden unusual and compelling urgency of a lodging need that was attributable to active construction occurring at the land adjacent to the Transplant Lodging Unit (TLU) and the airborne health risk of infection which construction related activities pose for these severely immunocompromised patients. The TLU will be closed during the construction and temporary long-term lodging will need to be provided immediately until the TLU re-opens.

5.3 Transplant patients and their accompanying caregiver are lodged for up to 90 days; therefore, each hotel/motel room must accommodate two adults and include a fully-equipped kitchenette. Patients attend transplant clinic appointments at the VAPORHCS campus, therefore, the lodging location must be near to the hospital and easily accessible. Due to the extended stay of these patients and their caregiver, the location should be conveniently located to mass transit and near dining, shopping, and recreation options.

5.4 The Contracting Officer issued a verbal order to Equity Inn Realty, LLC on 5 October 2016 for the following below:

- a. Period of Performance: 6 October 2016 – 31 December 2016
- b. Reservations of 15 Rooms with a daily Government rate of \$169.00.

5.5 The Marriott Residence Inn Portland Downtown Lloyd Center was selected by Network Contracting Office 20 Supervisory Contracting Officer due to the vendor's experience providing extended stay accommodations for guests; the vendor's range of extended stay amenities for guests; the vendor's downtown location which is within five miles of the hospital, on numerous mass transit options, and near extensive dining, shopping, and recreation options; and the vendor's ability to immediately provide 15 ground floor, fully-equipped and furnished, kitchenette rooms.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: Due to the emergent requirement for transitioning Veterans and their accompanying caregivers from the VAPORHCS Transplant Lodging Unit, no market research was conducted. Network Contracting Office 20 Supervisory Contracting Officer issued an emergency verbal order with the Marriott Residence Inn Portland Downtown Lloyd Center Marriott.

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

7.1 The anticipated cost to the Government is \$228,150.00 for a period of performance of 6 October 2016 – 31 December 2016.

7.2 Price reasonableness is based on market research of historical prices per FAR 13.106-3(a)(2)(iv), “A comparison with similar items in a related industry”.

7.3 A similar contracted for Long-term lodging (VA260-15-P-0076) at the Veteran Affairs Puget Sound Health Care System for the period of performance of 1 October 2015 – 30 September 2016 plus four (4) one-year option periods for a daily room rate of \$144.00. Price reasonableness for VA260-15-P-0076 was determined in accordance with FAR 13.106-3(a)(2), “comparison of competitive quotations received”.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Due to the emergent requirement for transitioning Veterans and their accompanying caregivers from the VAPORHCS Transplant Lodging Unit, no market research was conducted. Network Contracting Office 20 Supervisory Contracting Officer issued an emergency verbal order with the Residence Inn Portland Downtown Lloyd Center Marriott.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: There are no other facts beyond what has been described above that is available to support restricting competition.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: No other sources expressed an interest in the acquisition.

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: On future procurements for this service, the contract specialist will continue to seek competition to the fullest extent possible.

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.

Name: Matthew Schobert
Title: Director, Chaplain & Social Work Service
Facility: VA Portland Health Care System

19 October 2016

Date

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

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

Thomas M. Ebenhoh
996911

Digitally signed by Thomas M. Ebenhoh 996911
DN: dc=gov, dc=va, o=internal, ou=people,
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Date: 2016.10.19 10:55:41 -0700

Thomas M. Ebenhoh
Contracting Officer
NCO 20, Branch Manager, Services 1

Date: 19 October 2016

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

- b. **Director of Contracting /Designee (Required over \$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

19OCT2016

Stacia M. Nunn (Laura Patterson, Acting Division 1 Chief) Date
Chief, Division II Contracting
Network Contracting Office 20 (NCO 20)