

## DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA263-17-AP-3840

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 23, in support of the Minneapolis Veterans Affairs Health Care System (MVAHCS), One Veterans Drive, Minneapolis, MN 55417 (618-17-2-4002-0004).
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the procurement of Board Eligible/Board Certified Clinical Perfusionists to provide clinical perfusion services coverage to eligible veteran beneficiaries of the MVAHCS for the period of 1 February, 2017 through 31 January, 2018. The purpose of this sole-source procurement (Firm Fixed Price) is to ensure continuity of services for critical patient care and to provide the Government additional time to complete the acquisition cycle for MVAHCS's long term Perfusionists contract. The procurement was initiated in accordance with established Procurement Acquisition Lead Time (PALT) which appeared to be sufficient time prior to contract expiration; however the initial PALT established was exceeded due to unforeseen delays in essential internal/external review processes and changeover of personnel. However, the current contract will expire 01-31-2017. Once the award on solicitation has been made, this bridge contract will be terminated for the Convenience of the Government.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The contractor will provide Clinical Perfusionists to provide direct patient care for the management of physiological and metabolic needs of surgical patients during cardiovascular surgical procedures including coronary by-pass; extracorporeal support functions; heart failure therapy and support; blood management; other clinical perfusion procedures as required. It is estimated that contractor's clinical perfusion services will be required for an estimated 3,276 hours of on-site services per year, and an estimated 1,632 hours of on-call coverage per year (approximately 1.6 FTE). The estimated value of this acquisition is \$313,092.00.
4. **Statutory Authority Permitting Other than Full and Open Competition:** The justification rationale is based on 41 USC 3304(a)(2) "Unusual and Compelling Urgency." The incumbent contractor Services at this time may be deemed to be available only from one source (the incumbent contractor) whereas it is likely that award to another source would result in unacceptable delays in fulfilling the agency's requirement. It is clinically imperative that the Perfusionists Services continue in the interim until the long term contract is awarded. Any delay or lapse in service in the availability of these critical patient care medical services significantly increases the possibility for injury or reduction in the quality of medical care available to our nation's veterans while pending the award of a new contract.
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 incumbent contractor, Cardiopulmonary Services, LLC, currently fulfills the Perfusionist requirements for the MVAHCS and is

providing quality patient care services; a change in vendor would require an immediate replacement of contractor personnel, who are credentialed and privileged to provide services at the MVAHCS, and are educated and proficient in the facilities medical/administrative procedures. Expediting award to a succeeding vendor could potentially result in unnecessary risk to the government when selecting qualified Perfusionists in that there is insufficient time to adequately evaluate, credential and educate. In addition, there are several compelling reasons to sole source to the incumbent contractor for Perfusionists Services until the new contract is awarded; cost savings, reduced administration etc., and most importantly the guarantee of the continuity of services to ensure there is no interruption of critical patient care services.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** In order to maintain patient care services for VA Beneficiaries, competition amongst more than one source has been deemed impracticable by the contracting officer based on the considerations set out above. This justification relates solely to the need of providing a bridge contract for these critical medical services pending the award of the long term contract.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** These products and services are available in the commercial market place and there are current established pricing for these products, which will serve as a basis for determining fair and reasonable pricing.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** No other vendors were contacted at this point in time. Cardiopulmonary Service, LLC is the current vendor providing Perfusionists services to the MVAHCS. A new contract with option years is currently in the acquisition process and will be awarded at the earliest possible convenience. This transaction will be awarded to the incumbent while the long term contract is being solicited and evaluated in order to ensure there is no disruption of services to MVAHCS Beneficiaries (which would result in a direct patient care issue). Market research was conducted as part of acquisition planning for the long term requirement for MVAHCS Perfusionists services, and it was concluded a reasonable expectation that two or more offers would be received in response to the solicitation.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** There are no other facts supporting the use of Other Than Full and Open Competition.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Not applicable.
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:** The MVAHCS Perfusionist Services contract will be solicited using full and open procedures and will provide an opportunity for competition.

- 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.

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LYNDA DENT  
AO/COR Surgery/Specialty Care  
MVAHCS

01-27-2017

\_\_\_\_\_  
Date

**13. 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.

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KENNETH J. ESHOM  
Contracting Officer  
NCO 23

01-27-2017

\_\_\_\_\_  
Date

- 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.

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CHARLES A. HURRY  
Branch Chief  
NCO 23

01-27-2017

\_\_\_\_\_  
Date