

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA259-17-AP-3607

1. **Contracting Activity:** The Department of Veterans Affairs, Network Contracting Office (NCO) 19, 4100 East Mississippi Ave., Glendale, Colorado 80246 as requested by the VA Salt Lake City Healthcare System (VASLCHS) will enter into a contract which requires a justification for other than full and open competition. The Purchase Request Number is 660-17-1-6201-0086.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for Institutional Review Board (IRB) Services for VASLCHS Research Department Human Subjects Studies. In order to continue with research studies including human beings, the research department must do so with the oversight of human subjects IRB. The acquisition being procured is a Firm Fixed Price contract for VA Salt Lake City Healthcare Research Area.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** VASLCHS is requesting sole source procurement from the University of Utah Health and Sciences Center, the estimated value to include options are \$250,000.00. The period of performance are one base year and four one year options years, base year is July 1, 2017 to June 30, 2018. The procurement is to provide services of the IRB to oversee our human studies research program that supports the Veteran Affairs Research mission to "... carry out more effectively the primary function of the (Veterans) Administration... in order to contribute to the Nation's knowledge about disease and disability... carry out a program of medical research in connection with the provision of medical care and treatment to veterans. Funds appropriated to carry out this section shall remain available until expended. Such program of medical research shall include biomedical research, mental illness research, prosthetic and other rehabilitative research, and health-care-services research...Such program shall stress-Research into spinal- cord injuries and other diseases that lead to paralysis of the lower extremities; and Research into injuries and illnesses particularly related to service..."
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;
 - (X) (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;

FAR 13.5 Test Program: *The authority for applying the Commercial Test Program of FAR 13.5 is (Section 4202 of the Clinger-Cohen Act of 1996) 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):** The University of Utah is the VASLC educational affiliate. The University of Utah IRB oversees human subjects' research studies

from the University of Utah and the VA, and other institutions. The University teaches courses in ethical research (the reason for the IRB) and they are on the cutting edge of IRB duties. They have an electronic database and they give the VA access, to keep track of what the IRB is doing in real time. The University of Utah teaches the Nuremburg Code, the Declaration of Helsinki, and the Belmont Report, all documents from which all Federal review boards were formed, which summarizes ethical principles and guidelines for research involving human subjects. The University IRB registered with the United States Department of Health & Human Services per VHA Handbook 1200.5.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This is a sole source request. A sources sought notice was posted to the Federal Business Opportunities site on 15 February 2017. No responses received.
7. **Determination by the Contracting Officer that the anticipated Ccst to the Government will be fair and reasonable:** Based on (FAR 6.303-2(a)(7), A searched of FBO and eCMS for like items were conducted, there are like items in both system, a search of FPDS under the subject "IBR and the prices ranged from \$30,000.00 per year to \$85,000.00 per year, depending on the number of reviews. The proposed pricing has not changed from the last five years at \$50,000.00 per year (\$19.29 per hour for about 648 hours of work per hour). It has been determination by the Contracting Officer that the anticipated cost to the Government will 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 conducted pursuant to FAR Part 10 has been completed. The University of Utah was contacted for information on their pricing and to better understanding the VASLCHS requirements. After speaking with "John Stillman, Government point of contact representative, provided a statement of what they have been doing for the VA and their qualifications with Federal, local, and VA policies. The University is not the only provider of these services but they are the only provider within close location to the VA Salt Lake Medical Center.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** There are no other facts which support the use of Other than Full and Open Competition which has not been explained in the J&A.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** There are no other sources that have expressed an interest.
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 University of Utah is the only vendor within 10 miles of the VA Salt Lake Medical Center which can provide this service. In order to overcome barriers for this requirement the requiring agency would have to remove the distance requirement.
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.

Leslie E Cirigliano
369230

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3/27/2017

Name: Leslie Cirigliano
Title: Program Support Assistant, Research
Salt Lake City Medical Center

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.

Kenneth R.
Walden 691850

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Kenneth Walden
Contract Specialist
Network Contracting Office 19

Date

David J. Medina 748952

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3/28/2017

David J. Medina
Contracting Officer, Specialized Branch Chief
Network Contracting Office 19

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.

DANNY O.
FREEMAN 170000

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03/30/2017

Curtis M. Jordan (for)
NCO 19 Director of Contracting

Date