

DEPARTMENT OF VETERANS AFFAIRS (VA)

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

Acquisition Plan Action ID: [REDACTED]

- 1. Contracting Activity:** Department of Veterans Affairs (VA)
Network Contracting Office 16 (NCO 16)
2002 Holcombe Boulevard
Houston, TX 77030
No 2237, this requirement is paid through 1358

There currently is a Basic Ordering Agreement (BOA) in place to provide Nursing Homes Services to [REDACTED] Veterans with Courtyard Convalescent Center. Current BOA VA256-15-A-0091 will expire on May 24, 2017.

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

Michael E. DeBakey VA Medical Center (MEDVAMC) located at 2002 Holcombe Boulevard, Houston, TX 77030 is in need of long-term Nursing Home Services in the Houston, TX 88087 catchment area. This proposed single award Indefinite Delivery, Indefinite Quantity (IDIQ) contract will be for Nursing Home Services through an open market sole source acquisition to Courtyard SNF, LLC, DBA Courtyard Convalescent Center in accordance with Federal Acquisition Regulation (FAR) 6.302-1 Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

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

The service needed is Nursing Home Services to be provided twenty-four (24) hours per day and seven (7) days per week. The period of performance for the IDIQ contract will be a five (5) year term from May 25, 2017 through May 24, 2022. This proposed IDIQ has an estimated total order value of \$1,378,869.00 with a [REDACTED]
[REDACTED] Without the contracted services eligible Veterans will not receive the specific Nursing Home Services needed.

4. Statutory Authority Permitting Other than Full and Open Competition:

The statutory authority permitting other than full and open competition is 41 U.S.C.3304 (a) (1) as implemented by the FAR Subpart 6.302-1 entitled "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirement.

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

Courtyard Convalescent Center has [REDACTED] Veterans being treated at their nursing home facility. The nursing home facility meets VA exclusion review quality of care standards to provide treatment to MEDVAMC Veterans. The nursing home has had a contract with the VA for over twenty (20) years and has consistently provided care to our Veterans. It will cause medical hardship on the patients to move them, disrupt treatment plans and stress on family members if relocated to a

different facility. In accordance with FAR 6.302-1 this requirement for Nursing Homes Services will be sole sourced to Courtyard Convalescent Center as they are meeting the needs of our Veterans in the area and was selected by the Veterans over the nursing homes that contract with the VA in the same zip code area.

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

An intent to sole source has been posted Federal Business Opportunities (FBO) to publish/synopsisize this sole source acquisition.

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

Fair and reasonable pricing will be determined in accordance with FAR 15.403-3. Pricing will be evaluated to be fair and reasonable based on a comparison to the Independent Government Cost Estimate (IGCE) and established Medicaid Resource Utilization Group (RUG) rates by the state of Texas for nursing home facilities and established VA nursing home rates. The Government estimate was prepared based established Medicaid RUG rates for various levels of care and established VA nursing home rates based on VA national guidelines for determining cost for VA nursing home contracts.

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 on a limited basis: In accordance with FAR 10, Market research was performed finding only three (3) Community Nursing Homes (CNH's), Afton Care, Mission Care and Courtyard Convalescent Center in the catchment area of Houston, TX 88087. There is a fourth CNH fifteen (15) minutes away, Briarwood CNH, which is not in the same catchment area. Afton Care, Mission Care and Briarwood CNH have limited bed space; we currently have BOA's with each referenced CNH facility. Each CNH referenced above currently houses Veterans and cannot serve the needs of the [REDACTED] Veterans currently residing at Courtyard Convalescent Center. Since Afton Care, Mission Care, and Briarwood CNH cannot provide the needs of this requirement, the only nursing home that can provide quality treatment/care is Courtyard Convalescent Center. Market research information for this was requirement was taken from the www.medicare.gov website and from direct communication with the CNH's.

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

None.

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

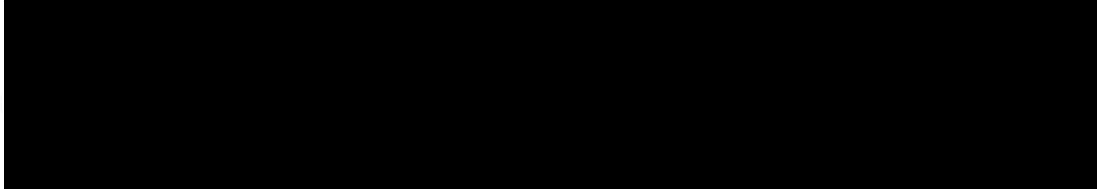
Courtyard SNF, LLC
DBA, Courtyard Convalescent Center
7499 Stanwick Drive
Houston, TX 77087

10. 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 Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed.

11. Requirements Certification:

I certify that the requirement outlined in this justification is a Bona Fide Need of the VA and that the supporting data under my cognizance, which are included in the Justification is accurate and complete to the best of my knowledge and belief.

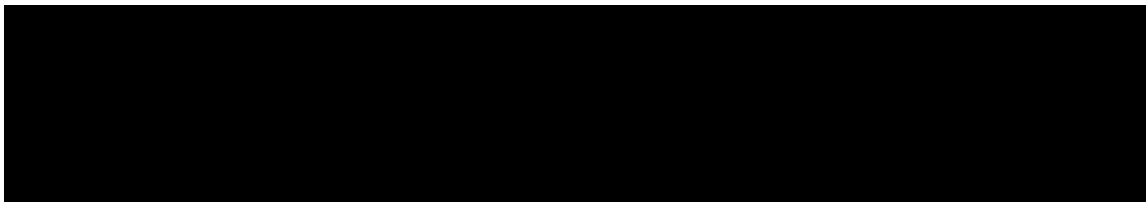


12. Approvals in accordance with the VAAR 806.304 Deviation and FAR 6.304:

- 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.



- b. **Director of Contracting /Designee:** I certify the justification meets requirements for other than full and open competition.



- c. **VHA SAO HCA Review and Approval/Contracting Activity Competition Advocate:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$13.5 million) or approve (\$700K to \$13.5 million) for other than full and open competition.

