

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID:VA770-17-AP-0646

1. **Contracting Activity:** Department of Veterans Affairs, VISN 15, *Consolidated Mail Outpatient Pharmacy (CMOP)*. 2237# .760-17-4-050-1244
2. **Nature and/or Description of the Action Being Processed:** The CMOP has an urgent need to purchase pharmaceutical and Med Surge inventory to support the prescription fulfillment for Veteran patients based on a fire at the Leavenworth CMOP. This is an emergency request to purchase items under emergency procedures. Because of the urgency contracting is not afforded time to utilize normal contracting procedures. To ensure our Veterans get the medications they desperately need, we intend to solicit without utilizing full and open competition. The intent is to utilize our most reliable vendors. Reliable vendors are those that deliver as promised, has good past performance, and consistently provides products at fair and reasonable prices.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The CMOP has an urgent need to purchase pharmaceutical and Med Surge and Pharmaceutical inventory to support the prescription fulfillment for Veteran patients based on a fire at the Leavenworth CMOP. The Leavenworth CMOP is now off-line and will be so for the foreseeable future. This purchase request is to acquire inventory to support the dispensing of prescriptions that were moved to the other CMOP's as part of the CMOP contingency operations. This is an unusual and compelling contracting situation due to the fact the CMOP does not normally stock some, or all, items but now has the requirement to fill the veteran and dependent prescriptions that have been sent to us. Med Surge and Pharmaceutical inventory to support the prescription fulfillment for Veteran patients based on a fire at the Leavenworth CMOP.
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 procurement was based on an Unusual and Compelling Urgency (FAR 6.302-2). The Leavenworth CMOP processes 60,000-70,000 prescriptions for Veterans a day. With the site down, other CMOP's had to take the workload

causing further delays in rerouting and shipping of Veterans medications. This additional time significantly reduced the amount of time needed to fill scripts as well as severely depleted stock levels based on the unexpected rise in scripts. It was imperative for contracting to utilize emergency contracting procedures to order and have delivered pharmaceuticals to the other operating stations as fast as possible. Failure to fill prescriptions would put Veterans lives at unnecessary risk. The risk level to our Veterans was at the forefront of our decision to orally solicit to our most reliable vendors. Do so ensured we would get the product as promised at a fair and reasonable price.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The CO received a list of pharmaceuticals that would be needed. Based on past procurements the workload was issued to specialists. The CO recommended oral (or e-mail) solicitations with very short turnaround time to ensure we did not have a stoppage in filling scripts. Based on the emergency we attempted to solicit to our most reliable (based on past procurement history) vendors. We utilized VISTA and searched past procurements for the items on the list. If there was a known SDVOSB vendor we contacted them first, if we did not receive a timely response we went on to SB's as procurement history has proven we do not receive quotes from VOSB's.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** Prices were determined fair and reasonable based on past procurements purchased by Government Purchase Card (GPC) or past orders placed by contracting.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The CO looked up the items in our VISTA system made a list of past orders. The CO also searched pre-existing contacts such as the NAC to find viable resources that could deliver some, most, or all of the items needed with very short turnaround time. Contracting utilized vendors (SDVOSB and SB) that have proven past performance. A conscious effort was made to contact our reliable SDVOSB vendors first.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** On Sunday August 20, 2017 at approximately 11:1PM CST an air purifier caught fire at the Leavenworth, KS Consolidated Mail Outpatient Pharmacy (CMOP). While the fire was contained to a small area, smoke and soot filled the entire facility. Contracting went to the facility at around 7 AM CST on August 21, 2017 to provide support. Upon inspection, it was determined that none of the pharmaceuticals at the facility were usable and needed to be thrown away or removed and the entire facility had to be cleaned. As this was an extreme emergency we utilized verbal approvals from James Justus, Contracting Officer (CO). Further, we utilized current contracts to assist in getting cleanup and other issues resolved; for example, Inspection Experts, Inc. (IEI). IEI solicited with three vendors (when possible) to procure what the CMOP needed to be operational again.

The Leavenworth CMOP fills approximately 60,000-70,000 scripts a day. With the CMOP unable to fill prescriptions the entire workload had to be shifted to other CMOP's. Some of the scripts filled by Leavenworth are unique to that facility. The shift in workload caused a spike in demand of pharmaceuticals and medical surgical (medsurg) depleting inventory and creating an emergency status. The shift in workload also caused other CMOP's to work additional shifts and weekends to help offset the CMOP being down. Based on this emergency demand and need to ensure our Veterans got his/her medication, James Justus, Contracting Officer (CO), authorized emergency procurement procedure.

- 10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Due to the nature of the emergency we did not have time to formally post on FedBizOpps.GOV.
- 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:** Once the CMOP was operational and had sufficient stock levels (about one week) the CO instructed his team to go back to normal operating procedures. Any procurement that came in as an emergency beyond the one week period would be reviewed and normal procedures would be followed. Doing so ensured.
- 12. Approvals in accordance with the [VHAPM Part 806.3 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.

James D. Justus
Branch Chief
Consolidated Mail Outpatient Pharmacy (CMOP)

Date