

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval (J&A)**

**For**

**Other Than Full and Open Competition (<\$150K)**

**VA770-17-AP-0628**

**Acquisition Plan Action ID:** \_\_\_\_\_

1. **Contracting Activity:** Department of Veterans Affairs, VISN 15, *Consolidated Mail Outpatient Pharmacy* (CMOP) Acquisitions Division. 2237# 766-17-4-400-0789.
2. **Nature and/or Description of the Action Being Processed:** Due to a fire at the Leavenworth Consolidated Mail Outpatient Pharmacy (CMOP), an urgent need to purchase pharmaceutical and Med Surge inventory items to support the prescription fulfillment for Veteran patients was necessary. This emergency precluded the normal contracting procedures for full and open competition and delay in award of a contract would have resulted in serious impact to the prescription fulfillment operation.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Due to a fire at the Leavenworth Consolidated Mail Outpatient Pharmacy (CMOP), an urgent need to purchase pharmaceutical and Med Surge inventory items to support the prescription fulfillment for Veteran patients was necessary. The Leavenworth CMOP was off-line for a period of time during fire clean-up. This purchase request was 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 was an unusual and compelling urgency as the CMOP receiving the unfilled prescriptions did not normally stock some, or all, items but now had the requirement to fill the Veteran and dependent prescriptions.
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;
  - (X) (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 have put Veterans lives at unnecessary risk. The risk level to our Veterans was at the forefront of our decision to orally solicit.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The contracting officer (CO) received a list of pharmaceuticals that needed to be procured. 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. 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 researched internal VA systems and also searched pre-existing contracts 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) to the maximum extent possible during this emergency.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** On Sunday August 20, 2017 at approximately 11:10PM CST a fire erupted 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 approximately 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. This necessitated the need to react quickly to continue the mission of the CMOP.

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 items , thereby 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 procedures.

**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) normal competition requirements were followed.

**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.

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James D. Justus  
Branch Chief  
NCO15 CMOP Acquisitions Division

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Date