

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

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

- [REDACTED]
- 1. Contracting Activity:** Department of Veterans Affairs
Network Contracting Office 4
323 North Shore Drive, Suite 400
Pittsburgh, PA 15212
[REDACTED]
 - 2. Nature and/or Description of the Action Being Processed:** The proposed action is a firm-fixed-price modification to contract no. VA244-15-C-0515 to provide Sharps medical waste removal at the VA Pittsburgh Health System (VAPHS). This procurement action is specifically to evaluate and exercise the Option to Extend Service IAW FAR clause 52.217-8.
 - 3. Description of Supplies/Services Required to Meet the Agency's Needs:** The contracting activity awarded contract no. VA244-15-C-0515 on September 30, 2015 for sharps removal service at the VAPHS, University Drive Campus and Heinz Campus, Pittsburgh, PA 15215. The total Period of performance is twenty-four (24) months (e.g., a 12 month base period and one 12 month option period). The contract is scheduled to end on September 30, 2017. The proposed action will allow for the extension of services up to six (6) months, or from October 1, 2017 through March 31, 2018. Any modification to extend this contract will allow the Government to solicit, compete and award the long-term follow-on contract for these services. [REDACTED]
[REDACTED]
 - 4. Statutory Authority Permitting Other than Full and Open Competition:** FAR 6.302-1, Only one Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.
 - 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 proposed source is NEIE Medical Waste Services, LLC, ("NEIE"), 3100 New Kent HWY, Quinton, VA 23141. The work requirements in contract no. VA244-15-C-0515 was competed via the www.fbo.gov website (RFQ VA244-15-Q-1386. NEIE submitted a proposal and was awarded Contract VA244-15-C-0515. The contract contains FAR clause 52.217-8, Option to Extend Services, but the awarding Contracting Officer did not evaluate the price of the clause. Because this clause cannot be exercised per FAR 17.2 if it has not been evaluated, a Justification and Approval (J&A) is required to extend services. Due to workload demands, an extension to contract no. VA244-15-C-0515 is necessary for the contracting activity to award the competitive follow-on contract. The RFQ for the competitive follow-on contract is currently posted on the www.fbo.gov website, with a closing date of September 18, 2017. Since the current contract expires on September 30, 2017, there is not enough time for the contracting activity to ensure fidelity to acquisition regulations and legal sufficiency of the work product.

Although other potential sources may exist which can meet the requirement of Sharps removal and disposal services to the VAPHS, it is anticipated that any other source would require a minimum of four to six weeks to obtain the necessary equipment and to train new staff to process the requisite facility requirements. In addition, NEIE is currently providing this requirement with a Sharps collection container that has met the OSHA trialing requirements. Without this requirement, a disruption in services could result in increased health risks and possible serious injuries to veteran and employees at the VAPHS.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The Contracting Officer posted a synopsis for this requirement to the Federal Business Opportunities (FBO) website on September 7, 2017 in accordance with (IAW) FAR 5.201. No responses have been received.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer will determine price reasonableness IAW FAR Part 13.106-3.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** See paragraph #6 above. Market Research has been conducted for the long-term competitive follow-on contract. This solicitation was set-aside for SDVOSB concerns.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** See paragraph #5 above.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No sources have expressed interest in response to the posted synopsis on the www.fbo.gov website (see paragraph #6).
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:** See paragraphs #8-10 above.

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.



13. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP.](#)

a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



b. **Branch Chief's Certification:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

