

09/21/11 SPO Centre
VIS-11-45 Univ. of Missouri
Otolaryngology

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. Contracting Activity: Department of Veterans Affairs, VISN 15, Columbia VA Medical Center

Program Office: CO Surgery (112)
Purchase Request: 589-12-1-5940-0001
Justification is for Other than Full and Open Competition

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

Pursuant to VA Directive 1663, Health Care Resources Contracting – Buying Title 38 U.S.C. 8153, written justification is required for other than full and open competition for contract actions with an Affiliate. Action to be awarded is a new firm-fixed price contract.

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

Acquisition is for otolaryngology services to be provided to the Columbia VAMC location. Estimated value of the contract is established at \$586,892.80. Estimated value was derived from the use of the American Medical Colleges (AAMC) salary survey information and number of hours needed (i.e. FTE) to fulfill the Government's requirements.

Period of performance is a base of one year with no option periods.

Based upon Standard Operating Procedures 160-10-01, the estimated procurement lead time for a healthcare sole source procurement less than \$5M is 203 days following the submission of a complete requirements package by the using service (i.e. program office).

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;

Cited authority:

VAAR 873.104(a): Without regard to FAR Part 6, if the health-care resource required is a commercial service, the use of medical equipment or space, or research, and is to be acquired from an institution affiliated with the Department in accordance with section 7302 of title 38 U.S.C., including medical

practice groups and other approved entities associated with affiliated institutions (entities will be approved if determined legally to be associated with affiliated institutions), or from blood banks, organ banks, or research centers, the resource may be acquired on a sole source basis. (38 U.S.C. 8153)

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

An affiliation relationship currently exists between Curators of the University of Missouri and the Department of Veterans Affairs which involves patient care, education, and research. This affiliation relationship promotes common standards for patient care, resident and student education, research, and staff appointments. Education and supervision of graduate medical trainees is required in the area of the services to be contracted.

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

Other than full and open competition with an Affiliate is authorized (or required) by statute; therefore, effort is not necessary to ensure that offers are solicited from as many potential sources as is practicable. Acquisition of commercial health-care resources for the use of medical equipment or space, or research, and that is to be acquired from an institution affiliated with the Department of Veterans Affairs are not required to be publicized.

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

Pursuant to VA Directive 1663, for FTE-based reimbursement contracts, sufficient cost or price data, not certified, will be obtained from the sharing partner (affiliate) to determine price reasonableness. This data will include, but is not limited to, the following detailed support:

- Individual salary information;
- Fringe benefits;
- Non-salary information (e.g. administrative overhead); and
- Professional liability insurance.

The format of the information will be at the Contractor's discretion; however, the data will be sufficient to support the proposed price(s).

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 to establish that an Affiliate was available and had the necessary resources to provide the required services.

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

No additional pertinent facts are available to support the use of other than full and open competition.

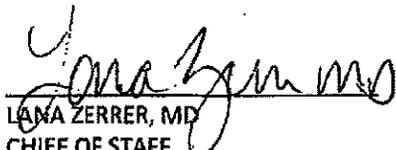
10. Listing of Sources that Expressed, In Writing, an Interest in the Acquisition:

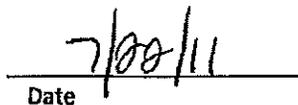
No other source expressed interest (in writing) in the acquisition.

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:

Other than full and open competition with an Affiliate is authorized (or required) by statute; therefore, no foreseeable actions are available to remove or overcome barriers to competition for subsequent acquisitions.

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.

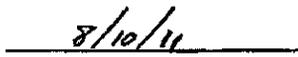

LANA ZERRER, MD
CHIEF OF STAFF
COLUMBIA, MO VAMC


Date

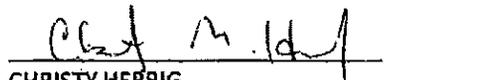
13. Approvals in accordance with FAR 6.304

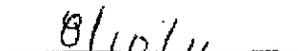
a. Contracting Officer's Certification: (required) I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


LOYD JACKSON
SUPERVISORY CONTRACT SPECIALST
VISN 15

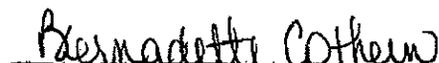

Date

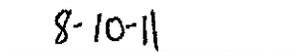
b. VISN/PCA QA: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief. *This signature may be the VISN NCM/PCM if the Contracting Officer and Contracting Supervisor is the same Individual.


CHRISTY HERBIG
QUALITY ASSURANCE COMPLIANCE MANAGER
VISN 15

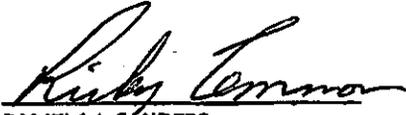

Date

c. NCM/PCM: I certify the justification meets requirements for other than full and open competition.


BERNADETTE COTHERN
NETWORK CONTRACT MANAGER
VISN 15


Date

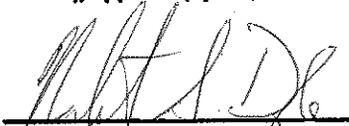
d. SAO: I certify the justification meets requirements for other than full and open competition.



PAMELA J. SANDERS
DIRECTOR
SAO CENTRAL REGION

9/21/11
Date

e. VHA HCA's Review and Approval: 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 (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.



MR. NORBERT S. DOYLE
ACTING CHIEF PROCUREMENT OFFICER
VHA, HEAD OF CONTRACTING ACTIVITY

9/26/11
Date