

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval for Other Than Full and Open Competition

Acquisition Plan Action ID: VA246-18-AP-1085

1. **Contracting Activity:** Department of Veterans Affairs, VISN 6, Hampton VA Medical Center, 100 Emancipation Drive, Hampton VA, 23667. This is a Justification for Other Than Full & Open Competition IAW VAAR 819.7007 Sole source awards to a verified service-disabled veteran-owned small business.

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

This is a sole source requirement for the supply of bulk oxygen and the continued rental of the bulk oxygen tanks which are contractor owned property currently installed at the Asheville VAMC.

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

The Asheville VAMC has a continuous need for supply of oxygen throughout the hospital. Additionally, the Government does not own the bulk oxygen primary and secondary storage tanks located at the Asheville VAMC and the tanks in place are contractor owned property that ties into the existing infrastructure of the medical center. The estimated value of this action is approximately \$_____.

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(5), 38 U.S. Code § 8127, as implemented by FAR 6.302-5 (Authorized or Required by Statute). COs may use the non-competitive (sole source) procedures authorized in VAAR 819.7007 or 819.7008 up to \$5,000,000. Check the specific VAAR clause used below:

- (X) 819.7007 Sole source awards to a verified service-disabled veteran-owned small business; or
() 819.7008 Sole source awards to a verified veteran-owned small business

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

Irish Oxygen Company is verified service-disabled veteran-owned small business who has maintained the contract. The Government does not own the primary and secondary bulk oxygen storage tanks located at the Asheville VAMC and the tanks in place are contractor owned property that ties into the existing infrastructure of the medical center.

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

Procurement history was utilized which revealed that there is a substantial costs and time associated with the removal and reinstallation the contractor owned property.

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

Based on review of historical data the Contracting Officer believes that a fair and reasonable offer shall be received that can ultimately be determined to represent the overall best value to the government.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

Market Research is currently being performed to complete a Lease vs. Purchase Analysis for the bulk oxygen storage tanks for this location.

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

The Government does not own the primary and secondary bulk oxygen storage tanks located at the Asheville VAMC and the tanks in place are contractor owned property that ties into the existing infrastructure of the medical center. The removal of such tanks and supply of other leased tanks is currently cost prohibitive after a review of historical data. It is hereby determined that competition is likely to result in a substantial duplication of cost to the Government that is not likely to be recovered through competition and would result in unacceptable delays in fulfilling the agency's requirements.

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

Irish Oxygen Company
3110 Legion Lane
Lake Elmo, MN 55042

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:

Market Research is currently being performed to complete a Lease vs. Purchase Analysis for the bulk oxygen storage tanks for this location. It is expected that the Government's future ownership of oxygen storage tanks will result in increasing the level of competition for the supply of oxygen to this medical center.

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.

ERIC APPLE
Business Acquisitions Manager
Asheville VAMC

Date

13. Approvals in accordance with the VHAPM Part 806.3 OFOC SOP: *This part is filled out by Contracting Staff as part of the Justification*

- 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.

KEITH HUNTER
Contracting Officer

Date