

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID:

1. **Contracting Activity:** Department of Veterans Affairs, VISN 7, Station 509, Charlie Norwood VA Medical Center, Augusta, Georgia 30904.

Transaction#: 509-18-2-208-0061

2. **Nature and/or Description of the Action Being Processed:** This justification initiated to modify the existing service contract. This is a request to provide Bulk Oxygen for the Charlie Norwood VA Medical Center for a seven- months period during which time a long-term base plus option years contract is awarded. The requirement is necessary to establish an interim contract to continue bulk oxygen and all-inclusive services to include lease of tank, and full delivery of medical oxygen necessary to provide critical patient care required and needed. This action will provide timely uninterrupted service until the long-term contract can be competed. A firm-fixed contract is contemplated with a period of performance of 1 March 2018 – 30 September 2018.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The contractor shall furnish Bulk Oxygen at the Charlie Norwood VA Medical Center. The contractor shall provide all supplies, materials, equipment, labor, supervision, and management. The total estimated cost of the contract is estimated at \$40,202.41 (see breakdown). The requirement is for a seven-month base period, 1 March 2018 through 30 September 2018.

Description	Est Qty	Unit of Issue	Unit Price	Total Price
Bulk Liquid Oxygen Tank Rental for Downtown Division (800 Bailie Drive)	7	Months	██████	██████
Bulk Liquid Oxygen delivery to Downtown Division (800 Bailie Drive) for the estimated quantity of 5,425,000 cubic feet at a cost of \$██████ cubic foot.	1	Lot	██████	\$██████
Emergency Deliver Fee, two for each division (2 Downtown and 2 Uptown)	4	Each	██████	██████
Bulk Liquid Oxygen Tank Rental for Uptown Division (1 Freedom Way)	7	Months	██████	██████
Bulk Liquid Oxygen delivery to Uptown Division (1 Freedom Way) for the estimated quantity of 758,350 cubic feet at a cost of	1	Lot	██████	██████

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4. Statutory Authority Permitting Other than Full and Open Competition:

- (X) (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 suggested source Air Gas, LLC is the current provider of bulk oxygen services and can ensure continuity of services thus ensuring patient care is available to those Veterans served by this contract. Due to the length of time needed to compete and solicit a base plus option year contract, the Charlie Norwood VA Medical Center (CNVAMC) is requesting a sole source contract to ensure services continue during the process. The current contract expires 28 February 2018, and an extension of FAR Clause 52.217-8 cannot be exercised to extend the contract VA247-17-C-0112. Bulk oxygen services are necessary to provide critical patient care required and needed. On average, the CNVAMC requires bulk oxygen services at least four (4) times per month as deliveries are made weekly. The current contractor is familiar with the facility and what is required under the existing contract terms and conditions, which eliminates the need to transition to another service provider minimizing the risk to the Government and providing the same service for our Veterans. The transition time for a new contractor would be at least 60 days. The medical center cannot have any disruption of the critical service as it would be detrimental to patient care.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: A sources sought was conducted, however this is a short-term continuation of service with the existing provider based on their ability to seamlessly continue services without interruption to patient care.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The anticipated cost of \$40,202.41 was derived from the most recent pricing from the existing contract VA247-17-C-0112. The cost is determined to be fair and reasonable for the service and based on contractor's previous rates.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: A sources sought was conducted, however this is a short-term continuation of service with the existing provider based on their ability to seamlessly continue services without interruption to patient care.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Failure to provide a short term 7-month contract to ensure continued services would impede the facilities ability to provide bulk liquid oxygen services to our Veterans. The incumbent contractor is prepared to continue performance of the contract without any delays.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** [REDACTED]
[REDACTED]

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:** The CNVAMC plans to put in place an interim contract for bulk oxygen services until 30 September 2018. Continued efforts to compete are being sought for the base plus option year long-term requirement.

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.



Janice Askew
Acting Chief Logistics Officer

2-26-2018

Date

13. **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.

Maurice Ross
Supervisory, Contracting Officer

Date