

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>SAT)**

Acquisition Plan Action ID:36C249-18-AP-2121

1. **Contracting Activity:** Department of Veterans Affairs, VISN 09, Nashville VA Medical Center 626-18-4-2101-0058.
2. **Nature and/or Description of the Action Being Processed:**
This urgent procurement is for a new firm fixed price contract to continue the use of the current mobile sterile processing trailer that is in use at the Nashville VA Medical Center. This acquisition is in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**
This requirement is for the lease of one mobile sterile processing trailer for a period of six months, September 22, 2018 – March 21, 2019. The total estimated contract value is \$897,920.46.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
(X) The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).
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 requirement for a mobile sterile processing trailer was originally awarded under VA249-17-P-2253. The contract was awarded for a 7-month period with the option to extend the period of performance for up to 6 months. The contract is now set to expire on September 21, 2018. Due to unforeseen circumstances with the construction project, the renovation is not complete within the facility. Additional time will be needed for the construction project completion, and the continued use of the trailer is needed for reprocessing of reusable medical equipment. The new anticipated completion date of the construction project is set for December of 2018. It is imperative that the current trailer stay in place through the completion of the construction renovation to prevent a disruption in patient care. Once the construction project is complete in December of 2018, the remaining time period of the lease will be used for decommissioning of the trailer. The trailer is a highly specialized unit that allows facility staff to reprocess and sterilize facility reusable medical equipment (RME) in accordance with manufacturer instructions and facility standard operating procedures.

Basic charges for set up and de-install of a mobile unit sterile processing trailer are estimated to be \$300,000. Installation of a new trailer can take approximately 4-6 weeks. Continuing the use of the existing trailer provided by Odulair would be more cost and time effective to the Government. With

an installation timeline of 4-6 weeks for a new trailer, a possible disruption in patient care could be avoided.

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

Due to the urgent nature of this requirement, time will not permit for the posting of a solicitation. If an award would be made to a new vendor, time would also need to allow for a 4-6 week timeframe for the decommissioning of the existing trailer as well as a 4-6 week period for the installation of a new sterile processing trailer. The trailer was custom built to fit the needs of the facility. A new contract with the incumbent, Odulair is needed immediately to prevent a disruption in patient care. The timeline needs of the facility to meet patient care will not allow for these timeframes.

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

To meet the regulatory requirements as required by FAR Part 13.106-3(a)(2) the Contracting Officer has determined that the pricing for this sole source firm fixed price award is fair and reasonable. Price reasonableness is based on comparison of quoted prices with previously competitive prices for same or similar items and the Independent Government Estimate. The determination is based on the validity of the comparisons and the basis for price reasonableness of the previous award price found in contract number VA249-17-P-2253.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: The requirement was originally solicited unrestricted on FBO under solicitation VA249-17-Q-0262. Odulair, a woman owned small business was found to be the only vendor that could provide the best value to the government.

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

The urgent nature of this requirement does not allow for full and open competition. The additional time needed for decommission of the existing trailer and the solicitation, award, and installation of a new mobile unit would completely shut down the facility for all patient procedures requiring reusable medical equipment. Additionally, a search was conducted on VIP using NAICS 336120 and the key words "sterile processing", zero vendors were returned on the search. Therefore, it is determined that 2 or more VOSBs are not capable and are not likely to submit a quote at a fair and reasonable price.

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

Odulair
109 East 17th Street
Suite 63
Cheyenne, WY 82001

10. 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:

This is a unique situation in which the contract for this trailer rental is dependent upon the timeline of a construction renovation project. The trailer is only required during the renovation and will no longer be required once construction and decommissioning are complete.

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Sole Source Justification Format >SAT

11. **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.

Jennifer M.
Lye 107409

Digitally signed by Jennifer
M. Lye 107409
Date: 2018.08.29 08:14:05
-05'00'

Jennifer Lye
Assistant Chief
Sterile Processing Department

Date

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.

Jon E. Doliana
236173

Digitally signed by Jon E. Doliana
236173
Date: 2018.09.07 10:06:40 -05'00'

Jon E. Doliana, Sr
Branch Chief
Network Contracting Office 9

Date

- b. **One Level Above the Contracting Officer (Required over SAT but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Robert M Kellner
184085

Digitally signed by Robert M
Kellner 184085
Date: 2018.09.07 12:51:42 -05'00'

Robert Kellner
Division Chief
Network Contracting Office 9

Date

Linda S. Greaves 404790

Digitally signed by Linda S. Greaves
404790
Date: 2018.09.12 16:48:26 -05'00'

Linda S. Greaves
Director of Contracting
Network Contracting Office 9

Date

- c. **VHA SAO HCA 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 approve for other than full and open competition.

TERRY L. SPITZMILLER
394683

Digitally signed by TERRY
L. SPITZMILLER 394683
Date: 2018.09.17 15:33:40
-05'00'

Terry L. Spitzmiller
Acting Executive Director
Service Area Office (SAO) Central

09/17/2018

Date