

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, NCO 23, Iowa City VA Health Care System, Medical Center is proposing this contracting action through the Minneapolis VA Contracting Office, as the Iowa City Contracting Office lacks capacity to conduct this procurement. This is a "Justification for Other Than Full and Open Competition" due to an unusual and compelling urgency. The 2237 transaction number is: 636-12-2-4166-0024.

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

This is an emergency procurement for a new firm, fixed-price Basic Ordering Agreement (BOA) with the Winning Wheels nursing home in Prophetstown, Illinois which has the capacity to place difficult to place patients. The current contract with Winning Wheels expires on August 31, 2012. The subject requirement is being pursued as an emergency procurement based on the justifications outlined below.

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

This BOA is for nursing home services. The Independent Government Contract Estimate (IGCE) reflects spend \$35,789.80, as submitted by the Iowa City Contracting Office Representative (COR) in working in combination with Fee Basis and last year's spend to date with projections out to the end of the fiscal year. The performance period shall be from September 1, 2012 to August 31, 2013 with one (1) 6-month extension which extension is allowed pursuant to FAR 52.217-8. As such, for this 1-year contract, the BOA amount would not exceed the \$150,000 simplified acquisition threshold.

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;

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

Officially, on July 24, 2012 (received by the Contracting Officer in Minneapolis in eCMS on July 25, 2012), approximately 17 nursing home Basic Ordering Agreements (BOAs) were transferred from the Iowa City, Iowa Contracting Office to the Minneapolis Contracting Office, because of lack of capacity at the Iowa City Contracting Office. The BOA for Winning Wheels expires August 31, 2012, so one (1) month is available to the Minneapolis VA Contracting Office to procure this BOA and sign a new BOA with Winning Wheels nursing home.

This is a justification based on lack of sufficient staff and a heavy workload of the Iowa City Contracting Office which creates this emergency. That is, no one had the capacity to handle the BOAs in Iowa City. As such, this exigency is due to a work over load and insufficient personnel to accomplish work in a timely manner. These circumstances qualify this requirement for the category of "unusual and compelling urgency," justifying other than full and open competition (sole sourcing to Winning Wheels). Moreover, continued patient care for difficult to place patients is necessary for the Iowa City VA Health Care System's mission to be carried out. The Iowa City VA has placed difficult to place patients at Winning Wheels and desires to continue to maintain and place patients there.

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

No other offers were sought due to lack of staff and work constraints in the Iowa City VA Contracting Office.

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

Costs are pre-established by the State of Illinois in the form of Medicaid rates for the Winning Wheels nursing home. Medicaid rates charged by Winning Wheels will be for those established State Medicaid rates.

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

The Iowa City Contracting Office conducted market research for this procurement, and the Minneapolis Contracting Office was informed by the nursing home program personnel at the Iowa City VA that a new BOA was necessary, as Winning Wheels has the capacity to care for difficult to place patients that other nursing homes will not be able to place. Specifically, Winning Wheels has a brain injury Comprehensive Integrated Inpatient Rehabilitation Program which is a part of this facility, and it is a CARF-accredited program of coordinated and integrated medical and rehabilitation services that is provided 24 hours per day and endorses the active participation and choice of the persons served throughout the entire program. Indeed, this nursing home is the only home in the State of Illinois that can provide required care for Traumatic Brain Injury (TBI) residents and specializes in the care of those with physician disabilities (most residents are wheelchair bound, requiring a higher level of care including catheters). This home currently has a waiting list due to the unique services they provide, so it would be difficult to replace the patient there.

There are no similar facilities in surrounding states to Iowa including Missouri, Kansas, Wisconsin, Nebraska, etc. such that this placement of our patient is required at Winning Wheels due to the patient's unique needs.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: N/A
10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: See Section 6 above.
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: N/A
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.



Name: Lisa Bickford

Title: Contracting Officer Technical Representative

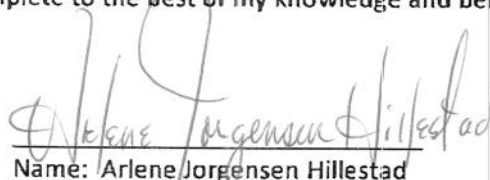
Facility: Iowa City VA Health Care System

8-7-2012

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.



Name: Arlene Jorgensen Hillestad

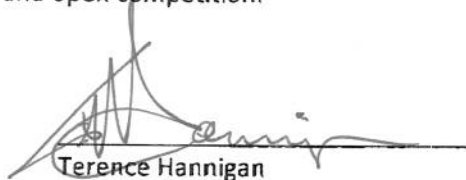
Title: Contracting Officer

Facility: Minneapolis VA Contracting Office

8-7-2012

Date

- b. NCM/PCM (Required \$3K and above): I certify the justification meets requirements for other than full and open competition.



Terence Hannigan

Facilities Contract Manager, Minneapolis, NCO 23

8/7/2012

Date