

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

Acquisition Plan Action ID: VA251-14-A-0026 Arbors at Sylvania

1. **Contracting Activity:** Network 10 Contracting Office (NCO 10), PO Box 492, Ann Arbor, Michigan 48106. This acquisition is funded via 1358, and a funded 2237 purchase request it not applicable.
2. **Nature and/or Description of the Action Being Processed:** The Ann Arbor Health Care System, 2215 Fuller Road, Ann Arbor, MI 48105 has an urgent need for community nursing home (CNH) services located in Toledo, Ohio. The proposed basic ordering agreement (BOA) will be extended for an additional six months in accordance with FAR 6.302-2, *Unusual and Compelling Urgency*.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Ann Arbor HCS has a need for six months of CNH services in Toledo, OH for the performance period of October 01, 2019 through March 31, 2020. The estimated cost for the six-month period is \$75,000.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(1), as implemented by FAR 6.302-2, *Unusual and Compelling Urgency*.

- (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 Arbors at Sylvania is qualified to provide CNH services to veterans, as they have provided these services for several years. The Arbors at Sylvania is the incumbent contractor providing CNH services in Toledo, OH and the only company with the capacity to provide the space and required services now. This places them in the unique circumstance of being able to provide services immediately upon extension of this agreement.

Due to the recently awarded Community Care Network (CCN) contract, CNH agreements will transition from a contract to a Veteran Care Agreement (VCA) on or before March 31, 2020. Therefore, the current BOA –VA251-14-A-0026 – will be extended to ensure patient care is not disrupted and maintain continuity of care for a short-term period until services are transitioned to a VSA. There is no statutory, regulatory, or internal policy prohibiting extensions of basic ordering agreements (BOA) for more than five years.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** NCO 10 issued a full and open competitive solicitation – RFP VA251-14-R-0052 – on January 13, 2014. This nursing home expressed an interest in providing services to the beneficiaries of the U.S. Department of Veterans Affairs. No other contractors showed interest. The Contracting Officer (CO) contacted The Arbors at Sylvania to determine if they would be interested in pursuing a six-month extension for the Ann Arbor HCS to maximize continuity of care. The Arbors at Sylvania agreed to support the Ann Arbor HCS for the short-term period. An effort to solicit offers from other sources is not practicable based on the information provided in Section 5.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Agreement rates are negotiated in a fair and reasonable manner. Agreement rates are negotiated to cover an all-inclusive rate using Medicaid rates as a base without going over the established maximum rate, but within the current market value of nursing home care in the community. The Contracting Officer will make a determination of fair and reasonable price prior to executing the extension for this procurement.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Due to the urgent and compelling nature of this requirement, no market research was conducted. If it had been conducted, the results would have been similar to the market research conducted for Solicitation No. VA251-14-R-0052.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** There are no other facts supporting the use of other than full and open competition.

Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: Arbors at Sylvania, 7120 Port Sylvania Dr, Toledo, OH 43617.
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:** A need for CNH services has been identified by the Ann Arbor HCS. A six-month extension under the current BOA is needed until the services are transitioned from a contract to a VSA.
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.

Laura Peters, COR
Ann Arbor HCS

12. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: 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.

Miriam Lemaitre, Contracting Officer
Network 10 Contracting Office

- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K)**: I certify the justification meets requirements for other than full and open competition.

Jaime N. Reed, Acting Branch Chief, Healthcare Services Team 2
Network 10 Contracting Office