

## DEPARTMENT OF VETERANS AFFAIRS

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

#### 1. Contracting Activity:

Department of Veterans Affairs, VISN 21, Network Contracting Office (NCO) 21 for VA Healthcare Systems and associated Medical Centers within VISN 21 purview. Requirements covered under this action are for the following VA Healthcare Systems:

VA San Francisco

VA Northern California

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

VISN 21's Medical Centers require Adult Day Health Care (ADHC) services to be issued via task order against established Basic Ordering Agreement (BOA). The task orders will be issued on a noncompetitive basis to the below listed vendors in accordance with FAR 6.302-1 Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements. This justification serves as a combined justification document for issuance of non-competitive task orders against established BOA's. Actions included in this justification are being executed against BOA's with valid terms to support the respective task order period of performance.

Acquisition Plan ID	Purchase Request #	ADHC Facility	Contract	Est Annual Cost
36C261-19-A P-4847	612-20-1-1988-0001	Alzheimer Services – East Bay	VA261-15-G-0031	
36C261-19-A P-4845	612-20-1-1988-0002	Rancho Cordova	VA261-16-G-0060	
36C261-19-A P-4853	612-20-1-1988-0003	Guardian	VA261-16-G-0012	
36C261-19-A P-4854	612-20-1-1988-0004	Health for All	VA261-16-G-0009	
36C261-19-A P-5200	612-20-1-1988-0007	Golden Umbrella	VA261-15-G-0019	
36C261-19-A P-5040	662-20-1-9720-0002	Bayview/Hunters Point	VA261-16-G-0004	
36C261-19-A P-5046	662-20-1-9720-0006	Lifelong Marin	VA261-16-A-0001	
36C261-19-A P-5049	662-20-1-9720-0007	Napa Valley	VA261-16-G-0010	
36C261-19-A P-5051	662-20-1-9720-0009	Stepping Stone	VA261-18-D-0007	
Total Cost of Action				

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

The proposed action supports issuance of task orders against established BOA's to ADHC facilities capable of providing social activities, peer support and recreation for VA beneficiaries with medical or disabling conditions that do not require 24-hour skilled nursing services. These services will include medical and psycho-social treatment provision and planning as well as consultative family support as needed.

- All ADHC facilities are required to offer a stimulating program to maintain or restore the functional status of each veteran with provisions made for each individual to participate at their own optimal level of functioning and to progress at their own pace.

- All ADHC facilities in VA's ADHC program must have current State ADHC Licensure and all other necessary State operating certification.

- VA beneficiary transportation to and from the Contracted Facility will be provided in full

accordance with California Code of Regulations; Title 22. Social Security; Division 6. Licensing of Community Care Facilities; Chapter 3 Adult Day Programs; Section 54333.

- ADHC facilities in the VA Contracted ADHC program shall utilize best clinical practices to ensure that care meets the healthcare needs all VA beneficiaries and promotes their maximum well-being.

- Rehabilitation services will be provided, as needed with the consultation of a qualified Physical and/or Occupational Therapist.

All physical, occupational and speech therapies provided must be individual therapy, rather than group therapy, unless otherwise ordered by the authorizing VA facility. Medical Restorative criteria will be used for physical therapy, occupational therapy, and speech therapy. Therapy must be skilled, relate to safety and be restorative according to Medi-Care criteria.

The total estimated value of the proposed action for all listed task orders is [REDACTED]

**4. Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(1), as implemented by FAR 6.302-1.

- (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):**

As prescribed in VHA Handbook 1141.03, ADHC is a mode of non-institutional long-term care and is a covered benefit for all enrolled veterans who meet nursing home level of care requirements pursuant to Title 38 United States Code (U.S.C.), Section 1720 (f) and Title 38 Code of Federal Regulations (CFR), Section 17.38(a)(1)(xi)(B).

Similar to VHA Handbook 1143.2 for community nursing homes (CNH), the level of patient choice in choosing a facility close to the veteran's home and family; and unique approach to local oversight of the facility is considered in the selection of an ADHC. ADHC programs include nursing care, rehabilitation, social services, nutrition, therapeutic and socialization activities, and care coordination. Services are targeted for Veterans who are at risk for nursing home placement and may have caregivers in need of respite care. VA has a goal to provide care in the least restrictive environment that is safe for the Veteran, through a continuum of services. ADHC is a key component in the continuum of long-term care, assisting Veterans to remain in their homes. VA Medical Centers facilitate ADHC services within their respective catchment areas that meet the requirements for quality of care set forth in the VA ADHC Handbook and to further ensure a continuum of care for patients.

The purposes for providing ADHC are to enable functionally impaired individuals to reside in their own homes rather than in nursing home care facilities; to facilitate the return of veterans to their own homes and coordinate long term care, thereby reducing readmissions to hospitals and nursing homes; to maintain veterans at the highest level of functioning possible; and to improve support for

the family and/or caregivers of veterans.

The listed ADHC vendors currently have veterans being treated at their facility under existing task orders due to expire by September 30, 2019. The facilities meet VA standards of care. The various ADHC facilities listed have existing BOA's which were awarded within the last five years and have consistently provided excellent care to our veterans. Much like the CNH program, geographic distance to the veteran's family home is of a concern. It would cause medical hardship on the patients to move their care, may disrupt treatment plans, and may be disruptive to family members if relocated to a different facility.

The veterans require an anticipated 12 months of continued care at the ADHC facilities beyond the current task order expiration dates. To avoid disruption to the patients, the VA must execute task orders with the existing contractors. The task orders may also be used in the event additional veterans are identified for ADHC care and the patient-preferred facility meets the criteria stated above.

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

No efforts were made to solicit additional offers as it is not practicable to do so under the circumstances. The veterans currently in place are well cared for and do not wish to be moved to a new location. The VA has no interest in moving elderly veterans and disrupting lives provided the facility is meeting the veterans needs at a fair and reasonable price. Since the current ADHCSs with the BOA's are doing just that, no efforts have been made to seek other sources at this time.

In accordance with FAR 6.305(a), this justification will be made publicly available and posted to the Government Point of Entry (FBO) as the exceptions listed in FAR 5.202 do not apply.

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

Fair and reasonable pricing will be determined in accordance with FAR 15.403-3 if pricing differs from the established BOA or if conditions warrant such determination. In such cases, pricing will be evaluated to be fair and reasonable based on a comparison to the Independent Government Cost Estimates (IGCE) and acquisition history. The VA uses all-inclusive per diem rates for ADHC services and utilizes state Medi-Caid Rates as a reference for price comparison purposes.

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

Market research was limited to a review of prior acquisition history due to the nature of the action.

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

VHA Handbook 1141.03 recognizes that many ADHC veterans have either a debilitating chronic disease or terminal illness and limits the transit time for these veterans to one (1) hour of travel. The geographic factor in these circumstances makes the ADHC requirements unique and, therefore, not readily available for competition. Since veterans are currently receiving care at the listed facilities, the VA does not intend on disrupting their care to conduct competitive acquisitions as the potential of moving and ultimately placing them in different facilities would not be in the veteran's best interest.

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

The listed contractors are willing to continue to provide services for the veterans currently receiving services under the existing BOA's.

**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:**

Based on the inherent nature of the service and in line with VA policy where the veteran and his/her family plays a role in determining which nursing home facility will provide treatment for the veteran, the opportunity to increase competition is limited. Further, the recently enacted Mission Act is going to convert these services from requiring federal contracts to non-contract veteran care centers. Consequently, within the next few years after full implementation of the Mission Act, there will no longer be a need obtain competition in the context of the Federal Acquisition Regulation.

- 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.

*Miriam A. Hoereth*

Miriam Hoereth  
Business Manager, Geriatrics and Extended Care  
VA Northern California Healthcare System

September 13, 2019

Date

Andreana L. Ososki 305872

Digitally signed by  
Andreana L. Ososki 305872  
Date: 2019.09.13 15:43:29  
-07'00'

Andreana Ososki  
Supervisory Health Systems Specialist  
VA San Francisco Healthcare System

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.

Stephanie G. San Juan 1726180

Digitally signed by Stephanie G.  
San Juan 1726180  
Date: 2019.09.13 15:58:15 -07'00'

Stephanie San Juan  
Branch Chief, Health Care Resources (HCR) Branch II  
Network Contracting Office (NCO) 21

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.

Brooke C. Robison 1615983

Digitally signed by Brooke C.  
Robison 1615983  
Date: 2019.09.13 16:17:37 -07'00'

Brooke C. Robison  
Director of Contracting  
Network Contracting Office (NCO) 21

13 SEP 19

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 recommend approval (if over \$68 million) or approve (\$700K to \$68 million) for other than full and open competition.

CURTIS M  
JORDAN 597130

Digitally signed by CURTIS M  
JORDAN 597130  
Date: 2019.09.16 21:11:40 -06'00'

Curtis M. Jordan  
Executive Director, Regional Procurement Office West  
Head of Contracting Activity (HCA)

Date