

LIMITED SOURCES JUSTIFICATION

**ORDER >SAT
FAR PART 8.405-6**

Acquisition Plan Action ID: 36C770-20-AP-0001

1. Contracting Activity:

Department of Veterans Affairs
3450 S. 4th Street Trafficway
Leavenworth KS 66048

VISN:

NCO 15 CMOP Acquisitions

- 2. Description of Action:** This acquisition is conducted under the authority of the Multiple-Award Schedule Program ([41 U.S.C. 251](#) and [40 U.S.C. 501](#)). The Department of Veterans Affairs is seeking to issue a Blanket Purchase Agreement to DLH Solutions, under their existing Federal Supply Schedule (FSS) Contract Number **V797P-2219D**, for a base of two months with two, five-month option periods from November 1, 2019 to October 31, 2020 for the seven Consolidated Mail Outpatient Pharmacies (CMOP) and two Meds by Mail (MbM) facilities. This performance period will sustain vital pharmacist and pharmacy technician services and allow a transition period until the new, succeeding procurement is fully competed and awarded. The long-term contract has been solicited and received two protests with GAO. The protests have been resolved and evaluations on proposals have commenced. As this is a sizeable and complex requirement, evaluations are taking longer than expected.

BPA/Orders against: ☒ FSS Contract Number: V797P-2219D

Name of Proposed Contractor: DLH Solutions
Street Address: 3565 Piedmont Road NE, Building 3, Suite 700
City, State, Zip: Atlanta, GA 30305
Phone: 678-449-6285

3. Description of Supplies or Services:

The estimated value of the proposed action is [REDACTED]

The CMOP has a requirement for the services of pharmacists and pharmacy technicians to process Veteran prescriptions. It is in the Government's best interest to award a Blanket Purchase Agreement against the VA NAC FSS 621 I, Professional and Allied Healthcare Staffing, to temporarily continue services to the CMOP and MbM facilities until the long-term contract is awarded.

- 4. IDENTIFY THE AUTHORITY AND SUPPORTING RATIONALE (see [8.405-6\(a\)\(1\)\(i\)\(A\)](#), [\(B\)](#), and [\(C\)](#) or [8.405-6\(b\)](#)), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.**

☐ An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

☒ Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized;

The CMOP facilities must continue without disruption to ensure Veteran patients receive critical medications. Failure to award this Blanket Purchase Agreement will endanger Veteran patient health. The current bridge contract provides approximately 138 pharmacists and 490 pharmacy technicians at the seven CMOP and two MbM locations to ensure operations are fulfilled. Without the support of contracted personnel, operations would be critically impacted. Therefore, the most logical action is to award a bridge Blanket Purchase Agreement as the incumbent Contractor would be able to successfully perform these services without interruption. DLH already has the skilled personnel with security clearances in place to provide these services without any transitioning. The awarding of a short-term bridge Blanket Purchase Agreement will ensure this continuity and facilitate the Department's efforts to move to a successor, long-term contract vehicle.

☐ In the interest of economy and efficiency, the new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

☐ Items peculiar to one manufacturer:

☐ A patent, copyright or proprietary data limits competition. The proprietary data is: (If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

☐ These are "direct replacements" parts/components for existing equipment.

☐ The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

5. DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.404(d) TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

The Contracting Officer has determined that the price for this bridge task order will be fair and reasonable based on current contract pricing and based on DLH's anticipated FSS pricing which, in accordance with FAR 8.404(d), has been determined to be fair and reasonable. The VA National Acquisition Center (NAC), delegated management of FSS 621-I (Professional and Allied Healthcare VHAPM Part 808.405-6 Limiting Sources

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Original Date: 08/30/2017

Revision 01 Eff Date: 04/23/2018

Staffing Services) for the entire Federal Government by General Services Administration (GSA), has already negotiated the prices of these services. Ordering activities are not required to make a separate determination of fair and reasonable; however, pricing quoted will be evaluated by the Contracting Officer to ensure fair and reasonable pricing is received.

6. DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

Market Research was not conducted for this sole source requirement as the previous Blanket Purchase Agreement awarded in 2011 and awarded for a 5-year period was competed among schedule holders. Three sole-source, six-month task orders and one, year-long task order were issued with a period of performance beginning May 1, 2017 as the work to put a long-term contract in place is still on-going. The solicitation for the long-term contract has been posted to FBO and two GAO protests were received prior to the solicitation closing. The protests have been resolved and evaluations have begun. However, evaluations are still progress and it is anticipated that protests will also be received once an award announcement is made. A service of this magnitude requires a lengthy transition period and, therefore, it is in the Government's best interest to award a bridge Blanket Purchase Agreement to the incumbent to provide uninterrupted services until the long-term contract is awarded and services transitioned to the awardee.

7. ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

DLH staff has been performing pharmacist and pharmacy technician services for the past eight years and is completely familiar with the automation equipment and duties to support the CMOP mission. Furthermore, there would be no transition time or expense associated with this bridge contract that would impact services and, therefore, negatively impact Veteran care.

Additionally, failure to award the sole source bridge Blanket Purchase Agreement will result in the CMOPs' operation being severely impacted due to lack of staff. As a result, Veteran beneficiaries will not receive life-giving or life-enhancing medication, with catastrophic consequences. It is imperative that services continue uninterrupted.

8. A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:

There are no actions the VA can take to increase competition at this time for this bridge Blanket Purchase Agreement due to the rationale cited above. The long-term contract has been solicited for bid and the source selection evaluation team is actively working to evaluate the proposals.

9. 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. I understand that processing of

this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

James J Hinspeter
418978

Digitally signed by James J Hinspeter
418978
Date: 2019.10.15 15:25:44 -05'00'

SIGNATURE

DATE

JAMES HINSPETER

CONTRACTING OFFICER'S REPRESENTATIVE

NAME

TITLE

SERVICE LINE/SECTION

FACILITY

10. APPROVALS IN ACCORDANCE WITH THE [VHAPM Part 806.3 OFOC SOP](#):

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Jenny L RATHJEN
346036

Digitally signed by Jenny L
RATHJEN 346036
Date: 2019.10.15 14:28:58 -05'00'

10-15-2019

SIGNATURE

DATE

JENNY RATHJEN

CONTRACT SPECIALIST

CMOP DIVISION

NETWORK CONTRACTING OFFICE 15

FACILITY

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

PENNY J CAPPS 492179

Digitally signed by PENNY J CAPPS 492179
Date: 2019.10.16 06:32:43 -05'00'

SIGNATURE

DATE

PENNY CAPPS

SUPERVISORY CONTRACT SPECIALIST

CMOP DIVISION

NETWORK CONTRACTING OFFICE 15

c. Director of Contracting/DESIGNEE: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

SCOTT R FISCUS 381888

Digitally signed by SCOTT R FISCUS 381888
Date: 2019.10.16 14:30:02 -05'00'

SIGNATURE

DATE

SCOTT R. FISCUS

DIRECTOR OF CONTRACTING
NETWORK CONTRACTING OFFICE 15

HIGHER LEVEL APPROVAL (Required for orders over \$700,000):

d. **VHA RPO HCA REVIEW AND APPROVAL (over \$700,000 to \$68 million):** 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 restricting consideration of the Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

TERRY L.
SPITZMILLER 394683
Digitally signed by TERRY L.
SPITZMILLER 394683
Date: 2019.10.18 11:57:35
-05'00'

10/18/2019

TERRY L. SPITZMILLER
EXECUTIVE DIRECTOR
REGIONAL PROCUREMENT OFFICE CENTRAL (VHA)

DATE