

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Veterans Health Administration, Veterans Integrated Service Network 17 (VISN 17), Network Contract Office 17 (NCO 17), 7400 Merton Minter Blvd., San Antonio, TX 78229. (671-13-3-5539-0046).
2. **Name and/or Description of the Action Being Processed:** This is a request for other than full and open competition. NCO 17 intends to negotiate and award a new firm fixed purchase order on a sole source basis to Medsharps 17340 Bell North Drive, Schertz TX 78154-3325 for medical waste pickup for the South Texas Veterans Healthcare System (STVHCS).
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Environmental Management department has a requirement for removal of medical waste materials. The contractor shall furnish all necessary materials, supplies, equipment, labor, personnel, transportation and supervision necessary to perform regulated medical waste removal, sharps container treatment/recycling, and final disposal for the following locations:
  - Audie L. Murphy Division, 7400 Merton Minter Blvd, San Antonio, Texas, 78229-4404
  - Kerrville Medical Center, 3600 Memorial Blvd, Kerrville, Texas, 78028
  - Frank Tejada Outpatient Clinic, 5788 Eckert Road, San Antonio, Texas 78240
  - Balcones Heights Outpatient Clinic-Gold, 4522 Fredericksburg Rd, San Antonio TX 78201-6549
  - Balcones Heights Outpatient Clinic-Silver, 4522 Fredericksburg Rd, San Antonio TX 78201-6549
  - Villa Serena, 4455 Horizon Hill Blvd San Antonio, Texas, 78229-4404
  - South Bexar Outpatient Clinic, 4610 E. Southcross Blvd, San Antonio, Tx 78222
  - Audiology, Dental and Eye Clinic, 8410 Data Point, San Antonio, Tx 78284

North Central Federal OPC, 17440 Henderson Pass, San Antonio, TX 79232  
Shavano Park OPC, 4350 Lockhill Selma Rd, San Antonio TX 78249-2166

Victoria Outpatient Clinic, 1502 E. Airline Suite 40, Victoria, Texas 77901

Poly-Trauma Rehab Program, 4949 Gus Eckert Rd, San Antonio, TX 78240

Fisher House, 7485 Wurzbach Parkway, San Antonio, TX 78229

The period of performance shall be from 4/1/2013 – 9/30/2013. The estimated cost for procurement is \$99,990.00.

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;
  - (2) Unusual and Compelling Urgency;
  - (3) Industrial Mobilization, Engineering, Developmental or Research Capability, or Expert Services;
  - (4) International Agreement
  - (5) Authorized or Required by Statute;
  - (6) National Security; or
  - (7) Public Interest

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited:** Medical waste is all waste materials generated at health care facilities, such as hospitals, clinics, physician's offices, dental practices, blood banks, and veterinary hospitals/clinics, as well as medical research facilities and laboratories. Items include the following:

- a. blood-soaked bandages
- b. culture dishes and other glassware
- c. discarded surgical gloves
- d. discarded surgical instruments
- e. discarded needles used to give shots or draw blood
- f. cultures, stocks, swabs used to inoculate cultures
- g. removed body organs (e.g., tonsils, appendices, limbs)
- h. discarded lancets

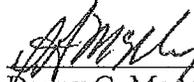
Medical waste poses a wide spread threat throughout a hospital facility. The potential for infection and cross-contamination exists in every area of the hospital. Wet or soiled dressings, devices used in diagnostics and treatment, and surfaces such as doorknobs, floors and toilets can all act as vehicles for the transmission of infection. The STVHCS currently does not have a mechanism in place to dispose of waste. A delay in award will seriously compromise the health of patients, staff, visitors and could

lead to serious loss. Each clinic that comprise the STVHCS generates medical waste on a daily basis

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This procurement does not meet the requirements of FAR 5.101 (a)(1), nor does it meet the requirements of FAR 5.101 (a)(2). As such, the procurement was not synopsized to FBO seeking potential sources. Additionally, FAR 13.106-1 (b)(1) allows Contracting Officer's to solicit from one source if the procurement doesn't exceed the simplified acquisition threshold and the Contracting Officer determines the circumstances of the contract deems only one source reasonably available.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** In accordance with FAR 13.106-3(a)(2)(ii), the Contracting Officer shall determine pricing fair and reasonable based on comparison of the proposed price with prices found reasonable on previous purchases for the same service. Previous purchase orders include: VA671C30173 \$98,280.30 and VA671C20124 \$198,516.84. The requirements of FAR 15.406-2, Certificate of Current Cost or Pricing Data are not applicable to this acquisition.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The service is commercial and sold within the market. Market research revealed that the suggested source does not have a federal supply schedule contract. A search of the General Service Administration Advantage! website revealed 12 companies with optional federal supply schedules capable of providing the service. The requirement is covered under Category C899 5, Materials and Waste Recycling and Disposal Services
9. **Any Other Facts Supporting the Use of Other Than Full and Open Competition:** When hazardous wastes are released in the air, water, or on the land they can spread, contaminating even more of the environment and posing greater threats to our health.
10. **Listing of Sources that expressed, in writing, an interest in the acquisition:** Due to urgent and compelling circumstances, no other sources were sought nor expressed interest.
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:** There are several companies capable of providing the service; however, it will not be in the best interest of the Government to compete this requirement at this time. This interim contract is required in order to allow sufficient time to complete the procurement process and to ensure that the medical center facility ongoing capabilities remain persevered and protected. The incumbent has the resources to provide the service.

result in a duplication of costs that the Government does not expect to recover through competition. The long term requirement will be published to fedbizopps soliciting competition amongst contractors with federal supply schedules.

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.

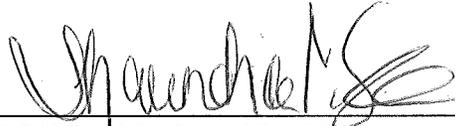
  
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Danny G. McAuley  
Assistant Chief, EMS  
South Texas Veterans Health Care System

5-12-13  
\_\_\_\_\_  
Date

13. Approvals in accordance with FAR 6.304

**Approvals:**

- a. **CONTRACTING OFFICER'S CERTIFICATION (required):** I certify that the justification meets requirements for other than full and open competition. I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
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SHAUNDRICA M. CLOSE  
Contracting Officer  
Network Contracting Office (NCO) 17  
Service Area Office (SAO)-West  
U.S. Department of Veterans Affairs

5/13/13  
\_\_\_\_\_  
DATE

- b. **FIRST SUPERVISOR:** I certify that the justification meets requirements for other than full and open competition. I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
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CONTRACTING OFFICER'S SIGNATURE  
TANZANIA BROWN  
Supervisor, NCO 17, SAO-W

5/20/13  
\_\_\_\_\_  
DATE