

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

- 1. Contracting Activity:** Department of Veterans Affairs, VISN 23, Minneapolis Veterans Affairs Medical Center.
Network Contracting Office 23
708 3rd Street, Suite 200
Minneapolis, MN, 55415
618-15-1-4003-0003
- 2. Nature and/or Description of the Action Being Processed:** A contract will be awarded on a sole source basis for the procurement of Forensic Psychology Services for PTSD and Mental Health.
- 3. Description of Supplies/Services Required to Meet the Agency's Needs:** The Minneapolis VAHCS requires Forensic Psychology services for PTSD and Mental Health exams. The proposed urgent acquisition is for a 3 month short term sole source contract with an additional 3 month option, services would run from 10/01/2014 to 12/31/2014 for the base period and the option period would run 01/01/2015-03/31/2015, the total estimated value for the base and option periods is \$471,000.00
- 4. Statutory Authority Permitting Other than Full and Open Competition:**
The statutory authority permitting other than full and open competition is §41 U.S.C. 253(c)(2) as implemented by the Federal Acquisition Regulation (FAR) subpart 6.302-1 entitled "Only One Source."
- 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 Minneapolis Veterans Affairs Health Care System (VAHCS) has an urgent need for a continued Forensic Psychologist for PTSD and Mental Health exams for Compensation and Pension. The current contractor, Gary L. Fischler @ Associates, P.A., has provided these services in support of the Minneapolis VAHCS. The incumbent contractor is currently performing these services in support of the Minneapolis VAHCS under contact number VA263-14-C-6003 with exceptional performance. With rapidly approaching expiration of the current contract it is important that services are not disrupted for the Veterans.


The current contract, VA263-14-C-6003, expires September 30, 2014. The procurement planning process has been underway for over a year and the solicitation will be posted in August 2014. However, there is not sufficient time to complete the procurement process before the current contract expires. In order to avoid a disruption of services the customer requested a three(3) month short term sole source contract with no one(1), three(3) month option period with the incumbent contractor while a long term competitive contract is solicited.

The Minneapolis VAHCS Compensation and Pension(C&P) relies heavily on the contract support to complete independent forensic Mental Health exams. These exams involve politically sensitive diagnoses such as PTSD, PTSD review and increase exams and service connected Mental Health exams. Minneapolis C&P would fail to meet out national VA Central Office and VISN 23 Regional bench marks without contracted support. The current work cannot be completed by in-house staff

at this time. Veteran wait times would be significantly increased if contracted support was not available, resulting in an increase in the average number of processing days.

Based on past market research Gary L. Fischler & Associates, P.A, is the only contractor within the 200 mile surrounding area with the specific qualifications required under the contract. If another contractor were awarded this contract additional time would be required for the contractor to prepare to begin performance.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This contract was previously awarded for an open competitive solicitation. The long term follow-on contract is also anticipated to be competed full and open. However, for this urgent requirement it is not feasible based on the time requirement and the need to minimize and impact Veteran care.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price on the current contract was determined fair and reasonable based on a competitive solicitation. A current price analysis was conducted to validate the prices remain fair and reasonable under the current contract.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market Research has been conducted using VetBiz and SAM searches for the long term procurement. Potential sources have been found; however, it is unclear at this time if they are able to provide the specialized services required. Market research is continuing for the long term procurement to verify whether or not other sources are able and interested to provide services. In the meantime a short-term urgent contract needs to be awarded in order to prevent a disruption in services. For this reason it is in the best interest of the government to enter in a short-term sole source contract with the incumbent contractor.
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:** N/A
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:** No further action. Network Contracting Office 23 is currently in the process of a competitive solicitation for these services.
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.




Michael Dieperink
Mental Health Service Line Chief
Minneapolis VAHCS

08/15/2014
Date

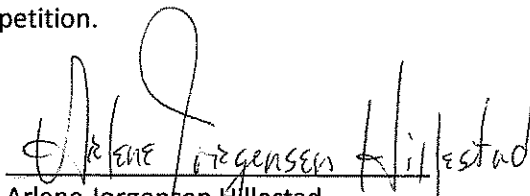
13. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


Sandra McAnany
Contracting Officer
NCO 23, Minneapolis MN

9/10/2014
Date

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


Arlene Jorgensen Hillestad
→ Branch Chief, Medical Sharing Team Two
NCO 23 Minneapolis MN

9-10-14
Date