

## DEPARTMENT OF VETERANS AFFAIRS

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

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 23, 708 South Third Street, Suite 200E, Minneapolis, MN 55415, on behalf of the Des Moines VA Medical Center. This is a Justification for Other Than Full and Open Competition.
2. **Nature and/or Description of the Action Being Processed:** Justification and approval for a new interim contract for \$444,000. The interim contract is for a Community based outpatient clinic in Fort Dodge, IA and is a firm fixed priced IDIQ contract based on capitated rates. The current contract has an expiration date of December 31, 2014.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Des Moines VA needs to continue a contract with Trimark Physicians group for a single Community Based Outpatient Clinic (CBOC) to provide Primary Care services to Veterans primarily residing in Webster County, Iowa. The interim contract will be for four (4) months with an option to extend for an additional ninety (90) days. Trimark physicians perform a broad range of primary care services in Fort Dodge, IA. This community based outpatient clinic is established to offer outpatient services to veterans in their local community.
4. **Statutory Authority Permitting Other than Full and Open Competition:**  
  
( x ) (2) Unusual and Compelling Urgency per FAR 6.302-2;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

At this time, there is not enough time to compete this requirement. The current contract has an expiration date of December 31, 2014. The effective date for this short term must be January 1, 2015 due to these services being patient and mission critical. The VA cannot do without these services for the patients/veterans. The incumbent contractor, Trimark Physicians, will maintain the contract for the time being. This contractor has the resources (manpower, experience, physical location, technical/operational knowledge and interconnection of computer systems) to perform these critical mission services for the short term contract. It is anticipated that a *minimum* of two hundred and twenty business days will be required to compete, procure and potentially transition the current workload to another contractor without any disruptions in services after a complete procurement package is developed by the IPT.

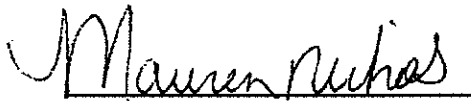
It wouldn't be practicable to complete an interim competitive contract for this shorter period due to the short timeframe. It would not be possible for other vendors to transition the current workload without any disruptions in services in the next several weeks. The VA is currently at the contractors physical location and VA will not be able to relocate until another competitive solicitation is completed to avoid serious duplication in cost.

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

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer will determine the price fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Current market research has determined that there are no additional vendors in the area that could provide services in the short term. The long term contract may have additional competition but the contractors would have to go through significant costs to provide a CBOC and it wouldn't be feasible for this short term requirement.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None
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:**

An Integrated Product Team (IPT) was established and is working on the documentation required to release a long-term solicitation for CBOC services in the Fort Dodge, IA area.

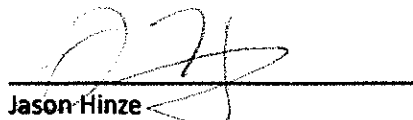
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

  
Maureen Nichols  
Title  
Facility

12-3-14  
Date


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

  
Jason Hinze  
Contracting Officer  
NCO 23

12/9/14  
Date

- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition *and approve.*

  
Julie Stout  
Product Line Contracting Manager  
NCO 23

12/11/2014  
Date

## Collins, Chara L.

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**From:** McDavitt, James A.  
**Sent:** Friday, November 21, 2014 12:02 PM  
**To:** Collins, Chara L.  
**Subject:** RE: Fort Dodge - Sole Source

Comments as follows:

- The form is not the current form as found in the VHA Procurement Manual.
- Not sure why you want to do a short term IDIQ when a PO would work just as well.
- Para 3, 2<sup>nd</sup> line: "to continues"? Awkward.
- Para 4, 5 & 6: Your whole basis for going to one and only one source is actually urgent and compelling due to the lack of time. This J&A in my opinion would be successfully challenged by a vendor because the Government failed to act diligently to competitively compete a succeeding contract. This is a lack of adequate planning on the Government's part.
  - o It would be hard to prove your statement in the 1<sup>st</sup> paragraph that the vendor is the only known that could support the requirement. They are the only known vendor because they are the incumbent vendor. I'm sure OSDDBU and/or the SBA would want to view your market research and even then I'm willing to bet they would have a long list of vendors that could potentially provide the services to the Government.
  - o Your argument in the 2<sup>nd</sup> paragraph in Para 5 would be torn apart by a vendor's lawyer and you couldn't support your rationale with GAO. GAO would have no choice other than to side with a vendor.
  - o Your Para 7 even contradicts the above referenced paragraphs.
- I would recommend that Para 7 read "The Contracting Officer will determine the price to be fair and reasonable." There is no requirement to tell anyone what tool or tools we plan on using to determine price fair and reasonableness. Further, you haven't even solicited a vendor for a formal proposal/quote but you're stating that this was already posted and the price is fair and reasonable.
- Para 10 doesn't make any sense. What did you do here? Did you post a sources sought?
- IAW the DOC's letter Delegation of Approval Authority for Other than Full and Open Competition, October 24, 2014, the Branch Chief may approve J&As up to \$650K after NCO 23 QA review. The DOC need not sign this.

Jim McDavitt  
NCO 23 Quality Assurance & Compliance  
Department of Veterans Affairs  
Network 23 Contracting Office (NCO 23)  
708 South 3rd Street, Suite 200E  
Minneapolis, MN 55415-1116  
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[james.mcdavitt@va.gov](mailto:james.mcdavitt@va.gov)

"INTEGRITY, COMMITMENT, ADVOCACY, RESPECT, AND EXCELLENCE – these are our goals." As our client, please take a few moments and let us know how we did by completing the attached **SURVEY**.



**"Delivering Client Centered Acquisition Solutions"**

**From:** Collins, Chara L.  
**Sent:** Thursday, November 20, 2014 1:42 PM  
**To:** McDavitt, James A.  
**Subject:** Fort Dodge - Sole Source

Hi Jim,

Can you please take a look at this.

Thank you,

***Chara Collins***

*Contracting Officer*

Department of Veterans Affairs

Network Contracting Office 23 (NCO 23) | 708 South Third Street, 200E | Minneapolis, MN 55415

P: 612-344-2143 | F: 612-333-3792 | [Chara.Collins@va.gov](mailto:Chara.Collins@va.gov)

**NOTE – I telework every other Friday; use email and/or Lync to contact me**

"A Veteran, whether active duty, discharged, retired, or reserve, is someone who, at one point in their life, wrote a blank check made payable to "The United States of America" for the amount of 'up to, and including his life'.

"INTEGRITY, COMMITMENT, ADVOCACY, RESPECT, AND EXCELLENCE – these are our goals." As our client, please take a few moments and let us know how we did by completing the attached **SURVEY**.



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