

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, National Teleradiology Program VA 2237 Request Number 640-16-1-330-0001.
2. **Nature and/or Description of the Action Being Processed:** This request is for other than full and open competition for continued radiology services for the National Teleradiology Program (NTP.) NTP currently provides radiological support to 85 VA Medical Centers (VAMC.) The NTP anticipates entering into a sole source acquisition with Eskridge Radiology to continue radiology services. The current contract expires on October 21, 2015. This action will be conducted in accordance with FAR 13.501. This action facilitates a new firm-fixed price contract/bridge to allow the VA sufficient time to procure in accordance with the Medical Sharing Affiliate Office competitive procedures.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** NTP delivers mission critical 24 hour a day 365 days a year clinical services to more than half of VHA Health Care Systems (HCS) and Medical Centers (MCs). Facilities rely on NTP to cover nights, weekends and federal holidays. During these shifts, the majority of the cases sent to NTP are STAT—requiring one hour or less turnaround time. In these cases the ordering provider has an emergent need to understand the patient's condition and receive a FINAL clinical interpretation of the diagnostic study conducted. This workload cannot be deferred to the following shift or even the following hour. A reduction in MD FTEE causes interpretation turnaround times to rise which represents significant patient safety issues.

A new/bridge contract is required to ensure continuity of these critical services. An extensive market research involving a number of information sources was conducted in March 2015. This short term contract from Oct 22, 2015 through Jan 21, 2016 reflecting a three month period should provide sufficient time for the solicitation and award resulting from a competitive process.

Contracting Officer's (C/O) Cost Estimate: Using historical contract pricing, the following estimates have been developed.

Three months coverage will be approximately 1,456 hours of service x \$243 per hour = \$353,808.

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 per FAR 6.302-1;
 - (x) (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):** NTP cannot be without this clinical contract support. The VA is currently working on a competitive replacement contract (base and four years) in accordance with Medical Sharing Affiliate Office competitive procedures. However due to the time required to solicit the competitive replacement contract and the time required for credentialing and privileging (C&P) a short term contract with Eskridge Radiology Consultants is required to prevent an interruption of these critical services. The current lead time to get new providers credentialed and privileged is 10 to 15 weeks.

Eskridge's radiologists are already credentialed and privileged (C&P) at the VA to work as teleradiologists for NTP. Eskridge's radiologists have already been vetted to insure that they meet the specific set of clinical and professional requirements, such as post residency training and an ability to read a wide range of radiologic modalities including, CT, X-Ray, MRI, Ultrasound, and emergent Nuclear Medicine. Eskridge radiologists have been trained and are effective and productive in the use of NTP's highly specialized teleradiology system.

Eskridge has been identified as the Only One Responsible Source because there would be an unacceptable delay in fulfilling the agency's requirements. Accordingly, Eskridge Associates is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research was conducted by reviewing acquisition history, by posting a sources sought notice/RFI on GSA eBuy and a posting a Sources Sought on FedBizOpps. Market research shows that there are multiple potential sources that are capable of providing radiology services to NTP. However the time for radiologists to be credentialed and cleared through the VHA Service Center Personnel Security once a contract is awarded is such that a bridge contract is necessary for continuity of services. A one month base period and five one month option periods would allow sufficient time to solicit, award and transition from one contract to another. If an award is possible at an earlier point in time, the remaining options will not be exercised.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Price reasonableness will be determined in accordance with FAR 13.106-3 (a)(2.)
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted in accordance with FAR Part 10. A sources sought notice was posted to FedBiz Opps (VA261-15-R-0455) and an RFI/Sources Sought was posted to GSA eBuy (RFQ966549.) Responses to both overwhelmingly support that a competitive procurement will be possible.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**
No other contractor could assume the responsibility for this short term coverage without extensive time to staff up and be trained. No other contractor could walk in and understand the unique workflows of the technology. The time needed for radiologist to train and gain experience to function efficiently on the system typically requires a couple weeks of duty which would be in addition to the 10-12 weeks required for credentialing and privileging. All this would lead to a lengthy lapse of service for VHA, resulting in delays in patient care nationally.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**
VA261-15-R-0445 Responses

- Aris | DUNS: None found | business size not known
- Critical Medical Solutions | DUNS: 146474718 | Service-Disabled Veteran-Owned Small Business
- Daisy Medical Services | DUNS: 826411402 | Woman-Owned, Minority-Owned Small Business
- Eskridge & Associates | DUNS: 188068469 | Service-Disabled Veteran-Owned Small Business
- EmCare Radiology | DUNS: 115414869 | Large business
- Jempro | DUNS: 969363220 | Service-Disabled Veteran-Owned Small Business
- Locum Inc | DUNS: 808894245 | Woman-Owned Small Business
- Locum Tenens.com | DUNS: 137022468 | Large business
- ONRAD, Inc | DUNS: 133937321 | Large business Real Radiology | DUNS: 078783356 | Small business
- RocJoi | DUNS: 969828313 | Service-Disabled Veteran-Owned Small Business
- Spectrum Healthcare Resources, Inc | DUNS: 048441815 | Large business
- Virtual Radiologic Corporation (vRAD) | DUNS: 133841267 | Large business
- Wake Radiology | DUNS: 171251317 | Large Business

GSA eBay Sources Sought/RFI Responses

- VISTA Staffing Solutions | DUNS: 791209872 | Large business
- Global Dynamics LLC | DUNS: 962913526 | Service-Disabled Veteran-Owned Small Business
- Maxim Health Care Services | DUNS: 606290401 | Large business
- Bay Area Anesthesia, Inc | DUNS: 604182493 | Veteran-Owned Small Business
- Cancer CarePoint, Inc. | DUNS: 151915220 | Woman-Owned Small Business

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: Factors identified as barriers are being addressed. The government intends to solicit competition for future requirements. A follow-on competitive acquisition is currently in the technical phases and should be posted in the next 60 days. Anticipated award date is 12/1/2015.

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.

Bill Warren
Contracting Officer Representative
VAPAHCS

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.

Tracy Worrell
Contracting Officer
Network Contracting Office (NCO) 21

Date

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

Claire K. Ursino
Chief, Medical Sharing Branch I
NCO Director of Contracting Designee
Network Contracting Office (NCO) 21

Date