

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

Acquisition Plan Action ID: VA248-16-AP-2915

1. **Contracting Activity:** Department of Veterans Affairs, VISN 08, James A. Haley Veterans' Hospital (JAHVH), FY 16 funds are available. The funding for this FY16 request is 673-16-2-231-0064.
2. **Nature and/or Description of the Action Being Processed:** This is a request for limited competition for the continued support of Non-Emergency Special Mode Transportation Services (Handicab) using Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1.

The hospital's Facility Management Service (FMS) does not have adequate staff or vehicles to meet the current demand to provide patient transportation services for the current workload. The requested service is critical to continuity of patient care and cannot be impacted. Without this transportation service the mission of JAHVH and its supporting Clinics would not be met and our patients would not receive the care that they need. Continuation of this service will be made on a firm fix priced basis. The estimated value for one month (January) of continued services is \$349,663.01.

The Medical Center continues to submit monthly requirements for this service. The last order under the current contract (VA248-16-P-0672) is due to expire on December 31, 2015 and there is no method to execute the long term contract before this expiration date. It is critical that patients of JAHVH are able to be transported to their scheduled doctor's appointments as some need daily, weekly or monthly injections, doctors diagnosis, rapid implementation of treatment plans, therapy for PTSD, prescription refills that are required for chronic disorders, and so forth.

Section 815 of the National Defense Authorization Act of Fiscal Year 2015: This procurement is for Nonemergency Special Mode Transportation in accordance with the permanent authority for use of simplified acquisition procedures for certain commercial items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The facility is requiring non-emergent patient transportation services by a licensed provider authorized by the Hillsborough County Transportation Board that has a strong quality assurance program and able to meet extensive workload demands of approximately 3,300 transports per month for a Level-1, highly complex, multi-specialty facility that has Polytrauma and Spinal Cord Injury (SCI).

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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;
- ☐ (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):** The service provider must be prepared to execute starting on January 1, 2016. The proposal received by the Contracting Officer must meet the requirements of having the required Hillsborough County Transportation Certificate (HCTC) and state licenses; cleared personnel and vehicles to support the different needs of the patients. This type of service is critical to the health care of our patients; we require the services of an experienced company with a proven record of safe and reliable transportation services. The approval of this request is crucial to the continuity of the healthcare of our Veterans. The facility does not have the staff or vehicles available to meet this need if transportation services are halted. For our dialysis patients, this contract ensures that they receive the care required to continue a quality of life. The impact that this service will have on our mental health patients, involves not only the Veteran but their family members and loved ones who depend upon this service to ensure that the Veteran receives the health care services required to maintain a decent standard of living. If transportation services are ended due to the facility not having a special mode contract, it will place us at risk of being liable for the declining health that our patients will encounter, as a result of missing appointments. Many of these patients do not have alternate means of transportation other than what the VA provides. The facility relies on the service provider to provide 90% of patient transports. There is no other method to obtain the support that can meet this workload requirement by January 1, 2016. The requested service is critical to the continuity of patient care and mission of JAHVAMC. If the facility is not able to provide this service to our Veterans, we will be placing the health and well-being of our Veterans at risk. Many of our patients require transportation assistance in getting to their dialysis, mental health, and spinal cord injury appointments or for treatment of other life-threatening conditions.
- 6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The time sensitive nature of this requirement mandates that we utilize companies that are familiar with our services, workload demands and customer needs so a new requirement can be issued to accommodate increase in patient transport workload. This agency is committed to the competitive spirit of all procurement regulations and will consider all licensed service providers, located within Hillsborough County that can grow and meet our need. The challenge to having increased competition is the number and type of required vehicles, validated certification of contractor staff, and the certification required by Hillsborough County to provide service. Furthermore, JAHVAMC contracting staff has solicited offers from several new sources. The long-term contract will be an award based on competition starting February 1, 2016.

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7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost is considered fair and reasonable based off a market analysis and comparison of the Centers for Medicare & Medicaid Services (CMS) non-emergent ambulance rates. During the past three months the facility has obligated an average of \$349,663.01 each month to fund the non-emergent special mode services. The current rates for transportation services are as follows:

Item Description	Price
Ambulatory Transports (<10 miles)	\$78.49 (flat rate)
Ambulatory Transports (>10 miles)	\$3.69 per mile
Stretcher Transports, (<10 miles)	\$120.00 (flat rate)
Stretcher Transports, (>10 miles)	\$3.69 per mile
Pick up charge for wheelchair/scooter	\$55.00
Pick up charge for ambulatory	\$55.00
Pick up charge for stretcher	\$100.00
Mileage Rate for wheelchair/scooter (<10 miles)	\$78.49 (flat rate)
Mileage Rate for wheelchair/scooter (>10 miles)	\$3.69 per mile
No Show Charge: 0-10 miles	\$25.00
11-50 miles	\$50.00
51-150 miles	\$75.00
Waiting time 15 minutes after designated pickup time.	\$0.67 per minute

Currently we provide over 3,300 transports each month. This contract is to continue this type of services for a one (1) month period in the amount of \$349,663.01. This interim contract will provide transportation services to our veterans who have multiples appointment during this timeframe.

The below table reflects a sampling of 3 line items reflecting the incumbents (AMR Lifefleet) proposed unit prices compared to the IGCE which is based on actual unit pricing for the previous year:

Item Description	AMR Proposed Unit Price	IGCE Actual Unit Price
WHEELCHAIR/SCOOTER PATIENT LOADED PASSENGER MILEAGE RATE, FOR TRIPS MORE THAN 10 MILES IN LENGTH. ESTIMATED QUANTITIES	\$3.69	\$4.55
LOCAL TRIP LOADED PASSENGER TRIPS LESS THAN 10 MILES IN LENGTH. STRETCHER LOCAL TRIPS. ESTIMATED QUANTITIES.	\$120.00	\$181.38
NO SHOW CHARGE FOR WHEELCHAIR/SCOOTER/STRETCHER/AMBULATORY PATIENT NO SHOW CHARGE 51-150 MILES. ESTIMATED QUANTITIES.	\$75.00	\$100.00

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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 by reviewing the list of service providers authorized to provide Handicab (wheelchair/stretchers transport) services within Hillsborough County. Result show there is a list of 11 providers with varying levels of capacity. Of the 11, only three (3) are known to have the resources to provide the urgent needs until the full contract can be competed and awarded. Contracting is currently finalizing award documentation for a competitive base award with four option years. AMR is currently providing services for the facility and has a proven track record with meeting workload demands with short turnaround times on same day transportation requests.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The agency has encountered several protests to previous solicitations and awards that have resulted in the incumbent continuing services and delaying a competitive award. Currently, a long term competitive procurement for a base plus four (4) option years is in its final SAO East reviews and will then be ready for award. It is anticipated that this one (1) month of service will cover implementation time for the new contract.
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10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** The competitive request for proposal produced multiple offers that have expressed in writing interest in the long-term contract. Also, see Market Research Report.
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:** The HCTC certification process limits competition as required by the Federal Acquisition Regulation [FAR]. To provide these services the service provider must be certified in accordance with the Hillsborough County Licensing Commission Board. Chapter 2001-299, Laws of Florida mandate that these contractor's be certified with the county. The Government has posted a competitive Request for Proposal notice to Federal Business Opportunities (www.fbo.gov) that allowed prospective vendors to submit their respective technical capabilities and proposed pricing for the long-term contract.
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.
- SHELLA M.
MILLER 164251
- Digitally signed by SHELLA M. MILLER 164251
DN: cn=Sheila Miller, o=Internal, ou=people,
c=US, email=SHELLA.M.MILLER@va.gov,
ou=Internal, ou=people, cn=SHELLA M. MILLER 164251
Date: 2015.12.28 11:54:56 -05'00'
- Name: Sheila Miller, FACHE
Title: Chief, Health Administration Services
Facility: James A. Haley VAMC
- _____ Date

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

- a. **Contracting Specialists Certification:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

MICHAEL V.

PIERSON 382396

Digitally signed by MICHAEL V. PIERSON
382396
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=michael.pierson@v
a.gov, cn=MICHAEL V. PIERSON 382396
Date: 2015.12.29 16:20:49 -05'00'

Name: Michael Pierson

Date

Title: Contract Specialist NCO

Facility: James A. Haley VAMC

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

JOHNNY B JONES 437675

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DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=johnny.jones3@va.gov, cn=JOHNNY B JONES 437675
Date: 2015.12.30 07:16:07 -05'00'

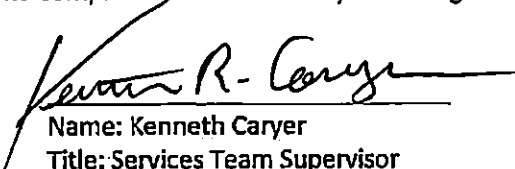
Name: Johnny Jones

Date

Title: Contract Officer NCO

Facility: James A. Haley VAMC

- c. **Product Line Supervisor Services (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Name: Kenneth Caryer

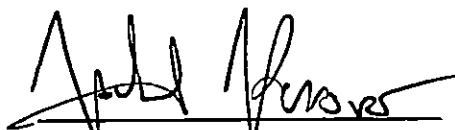
Dec 29, 2015

Date

Title: Services Team Supervisor

Facility: James A. Haley VAMC

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



Name: Fadil Keranovic

30 Dec 2015

Date

NCO-8 Division Chief, Services Contracting

Facility: James A. Haley VAMC