

Other Than Full and Open Competition (OFOC)
Request for Sole Source Justification >\$150K

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

Acquisition Plan Action ID: VA248-16-AP-3575

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office -8 VISN 08, James A. Haley Veterans' Hospital (JAHVH). The funding for this FY16 request is 673-16-2-231-0080, \$875,153.75.

Contractor: LIFEFLEET SOUTHEAST INC, AMERICAN MEDICAL RESPONSE
4914 W KNOX ST TAMPA FL 33634
Tom Diaz tom.diaz@amr.net
813-781-0438

2. **Nature and/or Description of the Action Being Processed:** This is a request for Other than Full and Open Competition for the uninterrupted support of Handicab (non-Emergency) Special Mode Transportation Services using Unusual and Compelling Urgency per FAR 6.302-2. This action is for a short term Handicab contract to ensure there is no interruption of patient care service during the resolution of a protest on a long term (base and four option year) Handicab acquisition. Handicab transportation is utilized to transport handicap patients that have some condition that markedly restricts their ability to function physically, mentally or socially to scheduled medical appointments. This action will be awarded as a Firm-Fixed price contract with an estimated dollar value of \$442,910.33 for one month, February 1, 2016 – February 29, 2016.

Section 815 of the National Defense Authorization Act of Fiscal Year 2015: This procurement is for Handicab (non-emergency) special mode patient transportation. In accordance with the permanent authority for use of simplified acquisition procedures for certain commercial items, specifically FAR 13.501, this acquisition is 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:** James A Haley Veterans Hospital requires Handicab (non-emergent) special mode patient transportation services by a licensed provider authorized by the Hillsborough County Transportation Board. The provider must have a strong quality assurance program and able be 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).

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):** The service provider must be prepared to execute starting on February 1, 2016. The incumbent contractor (Lifefleet Southeast, AMR) currently meets the requirements of having the required Hillsborough County Transportation Certificate (HCTC) and state licenses; cleared drivers/personnel thorough background checks known as National Agency Check with written inquiry (NACIs), and vehicles to support the different needs of the patients. This type of service is critical to the health care of our patients and the government urgently requires a company with a proven record of safe and

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reliable transportation services. The approval of this request is crucial to the continuity of the healthcare of our Veterans. The facility neither has the staff and necessary vehicles available to meet this transportation service need. For our dialysis patients, this contract ensures that they receive the care required to continue a quality of life. A delay in award will have a negative impact that will affect mental health patient's care, Veteran family members who depend upon this service to ensure quality of life and standard of living. If Handicab transportation services are interrupted patient healthcare will decline as a result of missed appointments. 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. 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.

It is in the government's best interest to continue services with the (LifeFleet Southeast, AMR) incumbent contractor while a protest is both processed and resolved for the long term Handicab acquisition. The award of an interim contract to a new contractor would cause an additional and unnecessary transition; result in serious injury to the government, substantial administrative cost, and ultimately damage patient care and confidence in the procurement process. Thus, it is in the best interest of the government and continuity of patient care to continue with the incumbent contractor until resolution of the protest.

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 and meet the local public transportation ordinances. This agency is committed to the competitive spirit of all procurement regulations and has considered via solicitation number VA248-15-R-829 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, JAHVH contracting staff has solicited offers from twelve potential new sources on July 21 2015, which closed on September 30, 2015. The agency received five timely responses. Competition resulted in a base and four year option period contract, which was awarded on January 4, 2016 to Wheelchair Transport Services Inc. with an anticipated start date of service of January 18, 2016. The task order was anticipated to be effective February 1, 2016 for contractor performance. The government received an agency level protest on January 8, 2016. Due to the unforeseen protest, the long term contract performance start date has been suspended pending resolution of the agency protest. The delay has caused for the urgent need of an emergency contract to be awarded during protest review and final resolution.
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, competitive offers from solicitation VA248-15-R-0828 and previous contract VA248-16-P-1157. The proposed short term rates for transportation services are as follows:

Item Description	AMR Prices	WTS Prices
Pick up charge for wheelchair/scooter / ambulatory >10 miles	\$55.00	\$50.00
Pick up charge for stretcher > 10 miles	\$100.00	\$120.00
Mileage Rate for wheelchair/scooter, stretcher, Ambulatory Transports (>10 miles)	\$3.69	\$3.00
Mileage Rate for wheelchair/scooter, Ambulatory Transports (<10 miles)	\$75.00 (flat rate)	\$65.00
Mileage Rate & pick-up for Stretcher (<10 miles)	\$120.00 (flat rate)	\$150.00
Mileage Rate for wheelchair/scooter, Stretcher, Ambulatory Transports (<10 miles) dry runs no shows	\$25.00	\$35.00

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Mileage Rate for wheelchair/scooter, Stretcher, Ambulatory Transports (>10 miles) dry runs no shows	\$75.00	\$150.00
National Agency Check with Written Inquires	\$311.00	\$311.00

James A Haley currently provides over 3,300 transports each month. The emergency contract is required to continue this Handicab special mode patient ground transportation services for a one (1) month period. This interim contract will provide transportation services to our veterans who have multiples appointment during this timeframe. The below table reflects a sampling of Life fleet Southeast, AMR and Wheelchair Transport Services Inc. proposed total price.

Contractor	February 1 – 29, 2016
Life Fleet Southeast. AMR	\$442,910.33
Wheelchair Transport Services Inc.	\$396,546.00

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: The Contracting Office conducted market research by posting a sources sought notice on FedBizOpps (January 21, 2015) with a Request for Information (RFI) VA248-15-N-0622, VetBiz, GSA ebuy, and Hillsborough County public transportation website. A competitive request for proposal (RFP) VA248-15-R-0828 produced five (5) offers that responded to solicitation VA248-15-R-0828 with proposals for a base a four year option periods contract. Market Research was conducted by reviewing the list of service providers authorized to provide Handicab (wheelchair/stretcher transport) services within Hillsborough County. Contracting is currently working through an agency level protest of the competitive long-term contract.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:
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.
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, kidney dialysis, and so forth.

The current contract (VA248-16-P-1157) for \$349,663.01 is due to expire on January 31, 2016, which does not include the option to extend services. The agency solicited proposal on July 21 2015 through September 30, 2015. The agency awarded a base and four options year periods with an estimated value of \$23,976,604.00 on January 4, 2016. The agency received an agency protest on January 8, 2016 from an interested party. The contractor performance of the long term contract has been suspended, thus creating an unforeseen delay in issuance of a task order on February 1 2016 for contract performance.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:
These prospective vendors submitted their respective technical capabilities and proposed pricing for the long-term contract. Listed below is an abstract of prospective offers:

Contractor	Size	FSS	Hillsborough Co License
*Wheel Chair Transport Service	Small	No	Yes
*Alternative Transportation System LLC	Small	No	No
*Navarre Corp	SDVOSB	No	No

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*Express Medical Transporters	Small Business	No	Yes
*MLB Transportation Inc.	Small Business	No	No
Transport Care Service	Small	No	No
Estrategy One Salute Inc.	SDVOSB/WOSB	No	Yes
American Medical Response / Lifefleet Southeast	Large	No	Yes
Metro Travel Services	Small	Yes GS33F0027U	No
*Alternative Transportation System LLC	Small	No	No
Med EVAC LLC	Unknown (SAM/VetBIZ record)	NO	NONE

Note: * Offers that responded with proposals.

- 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 Hillsborough County Transportation Certificate (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 notice of award to Federal Business Opportunities (www.fbo.gov) that allowed the general public to see that awardee and their proposed pricing. Once the agency level protest is resolved, the government will proceed with the successful offeror for the remainder of the long-term contract.

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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 M. Miller, o=Department of Veterans Affairs, ou=James A. Haley Veterans' Hospital, email=s.miller@va.gov, c=US

Name: Sheila Miller, FACHE
Title: Chief, Health Administration Services
Facility: James A. Haley Veterans' Hospital

Date

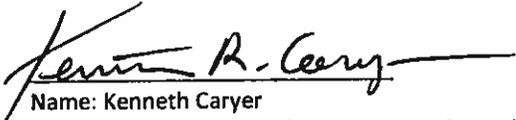
13. **Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.**

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


Name: Johnny Jones
Title: Contract Specialist NCO-8
Facility: James A. Haley Veterans' Hospital

Date 01/22/2016

- b. **Contracting Officer/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
Title: Contracting Officer/Services Team Supervisor NCO-8
Facility: James A. Haley Veterans' Hospital

Date JAN 22 2016

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


Name: Fadil Keranovic
NCO-8 Division Chief, Services Contracting
Facility: James A. Haley Veterans' Hospital

Date JAN /25/ 2016