

VETERANS HEALTH ADMINISTRATION

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)**

Acquisition Plan Action ID: VA244-16-AP-1280

1. **Contracting Activity:** Veterans Health Administration, Network Contract Office (NCO) 4, purchase request # 595-16-3-181-0017
2. **Nature and/or Description of the Action:** The proposed action is a new firm fixed-price (FFP) indefinite-delivery, indefinite-delivery (IDIQ) contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Lebanon VA Medical Center (VAMC) requires primary care services at the Schuylkill County Community Based Outpatient Clinics (CBOCs) in Frackville, PA and Pottsville, PA, estimated in value at \$██████████, for the period of performance 04/01/2016 to 09/30/2016.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (X) (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 current competitively-awarded CBOC contract expires 03/31/2016. NCO 4 plans to award a follow-on, long-term (5 year) competitive contract on 9/30/2016. The Lebanon VAMC therefore requires interim (6 month) CBOC services for the period of performance 04/01/2016 to 09/30/2016.

In the case of new, long-term CBOC contracts, new contractors may require up to 6 months transition time for hiring, background checks, and credentialing. However, the incumbent contractor (Schuylkill Medical center) can provide uninterrupted services while the NCO 4 awards a long-term competitive contract.

Without continuity of services provided by the incumbent contractor, the Lebanon VAMC could not provide primary care services at the Schuylkill County CBOCs in Frackville, PA and Pottsville, PA, and the risk of patient sickness, injury and death would increase. Accordingly, the incumbent contractor 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.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** NCO 4 issued a sources-sought synopsis for the follow-on, long-term contract in November, 2015 and received responses from two large businesses, and has received OSDDBU concurrence for an unrestricted competitive contract.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The CO anticipates the contract rates will equal the contract rates established under the current, competitively-awarded contract: \$34.00 PMPM for approximately 2,300 members for 6 months. Since the current CBOC contract rates resulted from a competitively-awarded contract, and the cost of primary care services has not increased dramatically in the past 12 months, the CO may consider the current CBOC contract rates fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** As described in paragraph 6 above, NCO 4 conducted market research by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties.
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:** Concentra and Sterling have expressed interest in the forthcoming long-term contract.
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:** NCO 4 plans to award a follow-on competitive contract on 9/30/2016.
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.

Paddy Kindt
Paddy Kindt
COR
VISN 4

2-10-16
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.

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Shawn E.
Smith 346238

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va.gov, cn=Shawn E. Smith 346238
Date: 2016.02.10 15:18:20 -05'00'

2/10/2016

Shawn Smith
Branch Chief
NCO 4

Date

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

Seth J. Custer
430886

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2/11/2016

Seth Custer
Division Chief
NCO 4

Date