

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-4503**

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 673-16-2-231-0122 \$434,424.38.

Contractor: LIFEFLEET SOUTHEAST INC, AMERICAN MEDICAL RESPONSE
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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 citing Unusual and Compelling Urgency per FAR 6.302-2. This action is for a short term one month Handicab (non-emergency) contract to ensure there is no interruption of patient care service during the resolution of a Government Accountability Office (GAO) protest on contract VA248-16-D-0045 for base year and four option period award.

Handicab transportation is utilized to transport handicap patients that have some condition that markedly restricts their ability to function physically, mentally or socially. This crucial service is necessary to ensure patients of JAHVH and its associated clinics and Community Based Outpatient Clinics (CBOCs) receive safe and reliable transportation to and from scheduled medical appointments.

This action will be awarded as a fixed price contract for the month of March, and will include FAR 52.217-8 for up-to six months option to extend services totaling \$2,606,546.28. The proposed total contract value (Base + six months) is \$3,040,970.66.

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 Handicab provider authorized by the Hillsborough County Transportation Board. The provider must have a strong quality assurance program with the ability to meet extensive workload demands of approximately 3,300 transports per month for a Level-1, highly complex, multi-specialty facility that has both a Polytrauma and Spinal Cord Injury (SCI) unit. The Contractor shall require the ability to provide all handicab non-emergency vehicles, personnel, management, supplies, transportation, fuel, equipment and reports necessary to successfully furnish Special Mode Transportation Service.
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;

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() (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 March 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 reliable transportation services. The approval of this request is crucial to the continuity of the healthcare of our Veterans. The facility has neither the staff nor the 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. An interruption of services would be detrimental to the mission of VA as it will have a negative impact that will affect mental health patient's care, dialysis patients, as well as veteran and their family members who depend upon this service to ensure quality of life and the highest standard of healthy living. If Handicab transportation services are interrupted patient healthcare will be severely impacted as a result of missed appointments and could cause severe illness or loss of life. 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. These patients do not have alternate means of transportation other than what the VA provides through the Handicab program. Furthermore, this 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 incumbent contractor (LifeFleet Southeast, AMR) while a GAO 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 Request for Proposal (RFP) VA248-15-R-0828 all licensed service providers, located within Hillsborough County that can grow and meet our need. Furthermore, JAHVH contracting staff solicited offers from twelve potential new sources with the issuance of the RFP first posted to the Government Point of Entry (GPE) FedBizOpps on July 21, 2015, which then closed on September 30, 2015. As a result, the agency received five timely responses. Competition resulted in the award of a base and four year option period contract. This contract was awarded on January 4, 2016 to Wheelchair Transport Services Inc. (WTS). The Task Order (TO) was effective February 1, 2016 for the contractor to begin Handicab non-emergency patient transportations. The government received an agency level protest on January 8, 2016 which was dismissed by the Contracting Officer on January 26, 2016. On January 29, 2016 the Government Accountability Office (GAO) received a protest of contract award VA248-16-D-0045. A stop work order was issued to WTS January 29, 2016 pending resolution of the GAO protest. Therefore, WTS was unable to begin Handicab service and an interim contract was created for one month of service beginning February 1, 2016 through February 29, 2016. Due to the unforeseen GAO protest, the long term contract performance start date has been suspended pending resolution of the GAO protest. The delay has caused for the urgent need of an emergency contract to be awarded during protest review and GAO 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,

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competitive offers from and previous contract VA248-16-P-1516. The below table reflects a sampling of Lifefleet Southeast, AMR proposed unit prices which is based on actual unit pricing for the previous contract VA248-16-P-1516:

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

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 with the option to extend up to six months in the amount of \$2,606,546.28. This interim contract will provide transportation services to our veterans who have multiples appointment during this timeframe.

This includes options under FAR 52.217-8, Option to Extend Services. The Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. This includes options under FAR 52.217-8, Option to Extend Services, which applies to this contract award. Evaluation of options under FAR 52.217-8 will be accomplished by using the prices offered for the last option period to determine the price for a 6-month option period, which will be added to the base and other option years to arrive at the total price. Evaluation of options will not obligate the Government to exercise the option(s).

Offeror	One Month Base Price	Six Month options *(Evaluated)	Base plus 6 months Total Price *(Evaluated)
LifeFleet Southeast American Medical Response (AMR)	\$434,424.38	\$2,606,546.28	\$3,040,970.66

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 a GAO protest of the competitive long-term contract VA248-16-D-0045.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

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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-1516) for \$434,428.68 is due to expire on February 29, 2016, which does not include the option to extend services.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

None for this action, as currently we are working through the GAO protest.

- 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 GAO protest is resolved, the government will proceed with the successful offeror for the remainder of the long-term contract.