

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID: VA256-16-AP-4112**

**1. Contracting Activity:**

Department of Veterans Affairs, NCO 16  
Jack C. Montgomery VA Medical Center (JCMVAMC)  
1500 East Woodrow Wilson Drive  
Jackson, MS 39216-5116  
Fiscal Year 2016 - Purchase Request transaction # 623-16-1-3014-0002

**2. Nature and/or Description of the Action Being Processed:**

This proposed sole source acquisition is to obtain, by use of other than full and open competition, the procurement of Onsite Emergency Department Physician Services by means of an interim contract to the incumbent contractor. The current contract VA256-15-F-0716 expires March 31, 2016. A six-month interim contract will allow adequate time to complete and award the long-term competitive contract which is currently in the pre-solicitation phase. This service shall be provided at the JCMVAMC.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:**

The proposed action is to provide continued Onsite Emergency Department Physician Services to maintain 24/7 Emergency Department operations to bridge the gap until the new solicitation can be issued and awarded. The Contractor provides Onsite Emergency Department Physician Services whose physicians are Board Certified Emergency Room Physicians. ED physicians also must meet or exceed American College of Emergency Physician Guidelines. This includes providing additional ED Physician coverage M-F 10 am - 8 pm at the same hourly rate. The NAICS code for this procurement is 621111-Office of Physicians (except Mental Health Specialists) with a small business size standard of \$11 Million.

The proposed sole source action will be awarded for the period beginning April 1, 2016 through September 30, 2016 as a new firm-fixed price interim contract and will include a 6-month option period. The total estimate value is \$1,135,872.08.

**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;



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- ( ) (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 JCMVAMC is a Level II Medical Facility with a Level III Emergency Department that operates 24/7 and provides a critical service for our ever growing Veterans population. Contract VA256-15-F-0716 is expiring soon, but currently provides the needed services and has proven to be beneficial to the Veteran constituents of JCMVAMC.

Vista Staffing Solutions, Inc. has been providing Onsite Emergency Department Physician Services to the JCMVAMC since 2012 under various contract awards. They have worked very closely with the JCMVAMC staff, patients, and resources within the JCMVAMC. They have also gained significant knowledge of the current ED operations. This continued relationship is crucial until a new contract is put into place. Vista Staffing Solutions, Inc. has an intimate knowledge of the patients, VA requirements, and JCMVAMC infrastructure. If another vendor is selected, additional risk would be incurred as the new contractor's staff may not fully understand the care required nor have the experience to care for our unique Veteran population. Furthermore, another source would require a minimum of ninety (90) to one-hundred and twenty (120) days start up time to conduct background investigations and credentialing/privileging, and also a learning curve while gaining familiarity with the JCMVAMC Computerized Patient Record System (CPRS) and our Veterans. This is time that is not available except with the new long term solicitation.

A new solicitation VA256-16-R-0287 is in process which will be for a base period and include four (4) twelve-month option periods. The Sources Sought Notice was published to FBO and the results are detailed in Paragraph 8 below. The VA has a very lengthy review process that includes an Integrated Product Team, the Medical Sharing Office (which includes Patient Care Services and Legal) and the Contract Review Board. Because of this, Interim Contract Authority was requested from MSO and granted. The Contract Review Board is scheduled for April 2016 which clearly demonstrates that a bridge/interim contract is required to provide immediate and continuous Onsite Emergency Department Physician Services for our Veterans.

Without this Interim, the JCMVAMC would have to completely shut down its' Emergency Department which would cause our Veterans to have to seek their healthcare elsewhere. This could also negatively affect our Veterans continuity of care and would also have economic repercussions on the Government as the cost of their outside healthcare would be significantly higher than providing in-house. This would also affect our ambulance transport contracts as this would cause a modification to the terms and conditions of these contracts. With services on station, the VA has quality monitoring controls in place to measure the exceptional care that our Veterans receive and deserve. This same quality monitoring is not afforded to the VA when care is provided outside in the community which could deem fatal for our Veterans in certain cases.

The new long term contract is anticipated to be awarded by September 2016 with the start date to be NTE October 1, 2016 and Interim expiration.



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**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

A Sources Sought Notice was issued to the Federal Business Opportunities website (FBO) on August 20, 2015 with a fully actionable package being received in December to begin building solicitation # VA256-16-R-0287 which contained a similar description as Paragraph 3 above. More information is noted in Paragraph 8 below in regards to the market research effort. In accordance with FAR 5.301, this action will be synopsized and the Justification will be made publicly available.

The release of solicitation # VA256-16-R-0287 is anticipated for release at the end of April and shall provide for competition among small businesses. A few potential sources showed their interest and have demonstrated complete understanding of the VA's efforts to continue services until such time as the new solicitation will be issued and can be awarded.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

The Contracting Officer will determine that the anticipated cost to the government will be fair and reasonable based on the fact that the Interim pricing will be the same as the current contract prices that were previously negotiated and already bears the determination.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

As stated in Paragraph 6 above, a Sources Sought Notice was issued to FBO on August 20, 2015 under VA256-15-N-1046 which contained a similar description as Paragraph 3 above. The Notice was the very beginning of the market research for the requirement for the Using Service. A total of nine vendors responded with actual capability statements as requested by the Notice. Of those nine, one was an SDVOSB, one was a SB, one was a WOSB and six were large businesses. Time is of the essence and so the acquisition plan for the long term is to compete this acquisition as unrestricted but give evaluation preference for SDVOSBs and VOSBs. Historically, there have been SDVOSB's that have provided proposals, but none have been able to provide the number of quality ED physicians that are required. There is an ongoing national shortage of Board Certified and Board Eligible ED physicians which could potentially impact these potential offerors. A final actionable package was received by the customer in December 2015 and a solicitation has been created and is currently in the MSO CRB review process. Interim Contract Authority was requested for a bridge contract and granted through MSO. All the above parties will be taken into consideration when the solicitation is formally released and published to FBO for competition.

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

This sole source requirement is not suitable for competition among all other interested parties at this time. This is due to the amount of time required to credential the physicians and to process their background investigations. If there are no current ED physicians that meet those specific requirements, then this would truly cause undue harm to the patients and to the Government if not acquired from the current contractor, Vista Staffing Solutions, Inc., at this time and as stated in Paragraph 5 above.





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- c. **SAO/HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$12.5 million) or approve (\$650K to 12.5 million) for other than full and open competition.

Randy L. Hays 534204

Digitally signed by Randy L. Hays 534204  
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Randy L. Hays  
Acting Director, SAO Central Region  
SAO Central Head of Contracting Activity (HCA)

Date