

DEPARTMENT OF VETERANS AFFAIRS

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

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, National Tele-radiology Program VA 2237 Request Number 640-17-1-330-0002.
2. **Nature and/or Description of the Action Being Processed:** This request is for other than full and open competition for continued radiology services for the National Tele-radiology Program (NTP). NTP currently provides radiological support to 85 VA Medical Centers (VAMC). The current contract expires on October 11, 2016. This action facilitates a new firm-fixed price contract/bridge to allow the VA sufficient time to procure in accordance with the Medical Sharing Affiliate Office competitive procedures.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** A new/bridge contract is required to ensure continuity of these critical services. An extensive market research involving numbers information sources was conducted in March 2015. This short term contract from October 11, 2016 through February 25, 2017 reflecting a near 20 week period should provide sufficient time for the solicitation and award resulting from a competitive process. Based on previous PO invoicing, it is expected to require 80 hours per week.

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 6.3025;
- () (6) National Security per FAR 6.302-6;
- () (7) Public Interest per FAR 6.302-7;

5. **Demonstrate that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

NTP cannot be without this clinical contract support and only this contractor can assume the responsibility of a short term contract without a service interruption until the current open competition contract is awarded.

All Wake physicians are credentialed and privileged (C&P) to work as tele-radiologists in the NTP. It is a 10 to 15 week process to get a physician C&P to work in NTP. All their physicians were initially vetted to insure that they met the specific set of clinical and professional requirements, such as post residency training and an ability to read a wide range of radiologic modalities including, CT, X-Ray, MRI, Ultrasound, and emergent Nuclear Medicine.

NTP is a 24 hour a day clinical operation, all NTP physicians, both staff and contractors, must be able to be read all types of modalities. All cases are predominately STAT, requiring one hour response time; therefore, cannot be deferred to another work shift. All Wake physicians meet this requirement.

Wake radiologists have been trained and are effective and productive in the use of NTP's highly specialized tele-radiology system. No other contractor could walk in and understand the unique workflows of the technology. The time needed for radiologist to train and gain experience to function efficiently on the system typically requires a couple weeks of duty.

NTP charges the VA Facilities for tele-radiology services delivered to them, creating a unique workflow specific to the program. Wake MDs have been trained in NTP's billing practices. Although there is initial training, there is also on-the-job training and counselling to contract physicians in the specific application of billing practices. For instance, there is variability in the tele-radiology industry on the billing practice for multiple body images; NTP routinely corrects mis-billing on the part of contract physicians and counsels them on accepted practice.

All Wake staff has PIV cards issued to them as well as NTP reading center facility keys and pass cards. They all have Windows, VistA, and NTP system clearances and passwords issued to them. No other contractor could assume the responsible for this six month contract without extensive time to staff up and be trained. All this would lead to a lengthy lapse of service for VHA, resulting in delays in patient care nationally.

Wake's physician reading productivity is monitored and in a recent review of productivity found to be comparably equivalent NTP staff. It is viewed by NTP as cost effective to issue Wake a five month sole source contract: given they read at an acceptable rate, there would be no cost to C&P by the Medical Staff Office, there would be no cost or resources used to training existing staff, and they are capable to assume the contract without a single day lapse in service.

Since this sole source contract will eventually be replaced with a base plus four option years contract, no other contractor would be inclined to bid a short term contract, especially since there would be no opportunity for option extensions.

Wake has been identified as the Only One Responsible Source because there would be a substantial duplication of cost to the government that is not expected to be recovered through competition, and unacceptable delays in fulfilling the agency's requirements. Accordingly, Wake Radiology 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.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research was conducted by reviewing acquisition history, by posting a sources sought notice/RFI on GSA eBuy and a posting a Sources Sought on FedBizOpps. Market research shows that there are multiple potential sources that are capable of providing radiology services to NTP. However, the time for new staff radiologists to be credentialed and cleared through the VHA Service Center Personnel Security will be approximately 10-15 weeks from the time they submit their package. A 20 week base period with no option periods would allow sufficient time to solicit, award and transition from one contract to another.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Price reasonableness will be determined in accordance with FAR 13.106-3 (a)(2.)

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 searching and reviewing FBO, FPDS, and eCMS. Wake has been identified as the Only One Responsible Source because All Wake physicians are credentialed and privileged (C&P) to work as tele-radiologists in the NTP. It is a 10 to 15 week process to get a physician C&P to work in NTP. All their physicians were initially vetted to insure that they met the specific set of clinical and professional requirements, such as post residency training and an ability to read a wide range of radiologic modalities including, CT, X-Ray, MRI, Ultrasound, and emergent Nuclear Medicine. NTP is a 24 hour a day clinical operation, all NTP physicians, both staff and contractors, must be able to be read all types of modalities. These cases are predominately STAT, requiring one hour response time; therefore, cannot be deferred to another work shift. All Wake physicians meet this requirement.

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

VHA cannot have a lapse in this clinical service contract. NTP delivers mission critical 24 hour a day 365 days a year clinical services to more than half of VHA Health Care Systems (HCS) and Medical Centers (MCs). Facilities rely on NTP to cover its nights, weekends and federal holidays. During these off hour shifts, the predominance of the cases sent to NTP are STAT—one hour or less turnaround time performance expectation, meaning the ordering provider has an emergent need to understand the patient's condition and receive a FINAL clinical interpretation of the diagnostic study conducted. Workload cannot be deferred to the following shift or even the following hour. It is a critical patient safety issue when a STAT case cannot be read promptly. In FY16, NTP will produce final diagnostic reports on approximately 600K exams—70% of which are STAT urgency cases. NTP has system redundancies with it overlapping coverage of operations from four reading centers located in three states. It maintains a physician staff of over 55 FTEE, utilizes fee basis on average of 7 additional FTEE, and contract FTEE as well. NTP may handle as many as 2,000 STAT cases in a single weekend day, and over 50K of cases per month. All NTP providers, both staff and contractors, produce on average over 7K RVUs, a method for calculating volume of work and effort, and this is significantly above the national standard of 5K set by the VHA national program office. NTP cannot markedly increase the productivity of its staff and whenever there are any reductions in MD FTEE availability, turnaround times of interpretations quickly rise—this represents significant patient safety issues. NTP requires no lapse in contract while waiting the next long term tele-radiology contract. It is conservatively estimated that if the open competition procurement contract could be awarded by November 2016, then following would then need to occur before actual services could commence:

- a) The contractor would need to recruit and hire between 20 and 30 radiologists who are qualified and interested in working in a tele-radiology setting and who are willing to work evenings, graveyard, and weekend shifts, including all holidays. (2 to 4 months)
- b) There could be further delays for recruited physicians to service our existing obligations (unknown timeframe)
- c) Medical Staff Office would need to C&P all physicians (2 to 3 months)
- d) Contractor would need to locate staff as needed near a NTP reading site location (unknown timeframe)
- e) VA needs to conduct security checks and issue PIV cards and computer access codes (this varies from 2 weeks to 2 months, depending on the backlogs in security offices and the administrative responsiveness of the next contractor.)
- f) Schedule and receive training from NTP in use of system. Each Provider receives two eight hour daytime shifts of training. NTP can train about five to six new physicians a week and these contract physicians would not be the only new MDs in the training groups.

More of these tasks are performed sequentially.

It is felt that a prudent and conservative expectation of commencement of services from the long term

procurement will be February 2017. A sole source award to Wake for 5 months of coverage should be adequate, but should be reassessed in the December timeframe.

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

VA261-15-R-0445 Responses

- Aris | DUNS: None found | business size not known
- Critical Medical Solutions | DUNS: 146474718 | Service-Disabled Veteran-Owned Small Business
- Daisy Medical Services | DUNS: 826411402 | Woman-Owned, Minority-Owned Small Business
- Eskridge & Associates | DUNS: 188068469 | Service-Disabled Veteran-Owned Small Business
- EmCare Radiology | DUNS: 115414869 | Large business
- Jempro | DUNS: 969363220 | Service-Disabled Veteran-Owned Small Business
- Locum Inc | DUNS: 808894245 | Woman-Owned Small Business
- Locum Tenens.com | DUNS: 137022468 | Large business
- ONRAD, Inc | DUNS: 133937321 | Large business Real Radiology | DUNS: 078783356 | Small business
- RocJoi | DUNS: 969828313 | Service-Disabled Veteran-Owned Small Business
- Spectrum Healthcare Resources, Inc | DUNS: 048441815 | Large business
- Virtual Radiologic Corporation (vRAD) | DUNS: 133841267 | Large business
- Wake Radiology | DUNS: 171251317 | Large Business

GSA eBuy Sources Sought/RFI Responses

- VISTA Staffing Solutions | DUNS: 791209872 | Large business
- Global Dynamics LLC | DUNS: 962913526 | Service-Disabled Veteran-Owned Small Business
- Maxim Health Care Services | DUNS: 606290401 | Large business
- Bay Area Anesthesia, Inc | DUNS: 604182493 | Veteran-Owned Small Business
- Cancer CarePoint, Inc. | DUNS: 151915220 | Woman-Owned Small Business

10. 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:

Factors identified as barriers are being addressed. The government intends to solicit competition for future requirements. A follow-on competitive acquisition should be posted by September 6, 2016. Anticipated award date is 12/01/2016.

11. 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.

WILLIAMJ. WARREN 406943

Digitally signed by WILLIAMJ. WARREN 406943
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=bill.warren@va.gov, cn=WILLIAMJ. WARREN 406943
Date: 2016.09.08 14:51:04 -07'00'

Bill Warren
NTP Business Manager

Date
9/16/2016

12. 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.



Digitally signed by Michael Dean Dupalo DN:
cn=Michael Dean Dupalo, o=Network
Contracting Office (NCO) 21, ou=Department of
Veterans Affairs, email=Michael.Dupalo@va.gov, c=US
Date: 2016.09.16.14:30:44 -07'00'

Michael Dupalo
Contracting Officer
Network Contracting Office (NCO) 21

Date

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

Claire K. Ursino
534459

Digitally signed by Claire K. Ursino 534459
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=claire.ursino@va.gov
, cn=Claire K. Ursino 534459
Date: 2016.09.21 09:52:51 -07'00'

Claire K. Ursino, VHA-CM
NCO Director of Contracting or Designee
Network Contracting Office (NCO) 21

Date