

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval

#### For

#### Other Than Full and Open Competition

1. **Contracting Activity:** The U.S. Department of Veterans Affairs, Network Contracting Office 17, South Texas Veterans Health Care System (STVHCS), Emergency Department, 7400 Merton Minter, San Antonio, Texas 78229, proposes a firm-fixed-price six month contract on the basis of justification for other than full and open competition. The Purchase Request number is 671-12-3-091-0105.
2. **Nature and/or Description of the Action Being Processed:** Emergency Medicine Physician services are required and intended to be awarded to the current contractor, Medical Doctor Associates, Inc.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Contractor will provide 4 Full Time Equivalent Employee (FTEE) for an estimated 2600 hours of Emergency Medicine Physician services for the emergency timeframe of April 1, 2012 through October 31, 2012 at an estimated amount of \$481,000. Services shall be provided by April 1, 2012 to ensure that there is no gap at the expiration of the current contract, March 31, 2012.
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):**

Emergency Medicine Physician services are required to continue providing service to the Audie L. Murphy Division, Emergency Department which has an annual volume of approximately 29,000. Contracted physicians are to be qualified (physically, mentally, and with respect to their education, training, licensure, and competence) to perform the services required. The candidate will be required to make an application through the VetPro Internet-based process. The current solicitation is in the process of review and approval, therefore the appropriate lead that is required to initiate background investigations and commence privileging/credentialing actions has been lost.

6. **Description of Efforts Made to Ensure that Offers are Solicited from as Many Potential Sources as Deemed Practicable:** Pre-solicitation Notice, VA-257-12-Q-105, Issued January 2, 2012, Closed January 17, 2012.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Pricing techniques as described in FAR 15.404-1(b)(2) will be used to establish price fairness and reasonableness. The Contracting Officer has anticipated that the cost will be fair and reasonable to the Government based on pricing within GSA Advantage! On-Line Shopping.

**Estimated Period of Performance:** April 1, 2012 through October 31, 2012

CLIN	DESCRIPTION OF WORK	ESTIMATED QTY	UNIT COST	ESTIMATED TOTAL COST
0001	Provide Estimated 1.0 Full Time Emergency Medicine Physician in accordance with the Statement of Work	650 Hrs	\$185	\$120,250
0002	Provide Estimated 1.0 Full Time Emergency Medicine Physician in accordance with the Statement of Work	650 Hrs	\$185	\$120,250
0003	Provide Estimated 1.0 Full Time Emergency Medicine Physician in accordance with the Statement of Work	650 Hrs	\$185	\$120,250
0004	Provide Estimated 1.0 Full Time Emergency Medicine Physician in accordance with the Statement of Work	650 Hrs	\$185	\$120,250
	<b>ESTIMATED 6 MONTH CONTRACT TOTAL</b>			<b>\$481,000</b>

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Original market research was conducted by searching the Vendor Information Pages (VIP) database, the Dynamic Small Business Search, Central Contractor Registration (CCR), and the General Services Administration (GSA) Advantage! On-line Shopping service.

a. An updated VIP database search provided 69 results; out of the 69, 15 were located in Texas, and 9 were located in the San Antonio/local area. Of the 9 companies, Abacus Solutions Group LLC; Avatar Worldlink, LLC; BTL Technologies; Donald L. Mooney Enterprises, LLC dba as Nurses Etc Staffing; SOL Diversified, Inc; Vesa Health & Technology; LLC, and Zlynx Enterprises, Inc. have previously participated in market research surveys and sources sought notices however none have submitted proposals; the applicable NAICS Code is annotated but the companies are not responsive. It has also been noted that as of the CCR expiration date of 1/10/2011, SOL Diversified has not submitted any other documents/replies to market research. JF Dynamics, LLC is registered in CCR but does not have the applicable NAICS Code annotated. Dilligas Corp dba US Got People is a contract awardee for the current STVHCS Physical Therapy Services contract but was not able to fulfill the latest requirement for Medical Physicist Services; the company eventually tried to partner with a large Federal Supply Schedule (FSS) vendor.

b. The Dynamic Small Business Search provided 96 results for the state of Texas and the required county, however 15 of the listed company names was the same company; Ingenesis, a current provider of General Nursing Services. Six companies on the list are also represented on the VIP database Search: Abacus Solutions Group, LLC; Vesa Health and Technology, LLC; BTL Technologies, Inc.; Zlynx Enterprise, Inc.; Donald L. Mooney Enterprises, LLC dba as Nurses Etc Staffing; and Dilligas Corp dba US Got People.

c. The CCR search for companies holding the NAICS Code of 621111 resulted in 309 registered businesses in Texas. Of the 309, 138 are located in San Antonio.

d. The GSA Advantage! On-line Shopping service provided 47 FSS vendors. Of the 47 FSS vendors, results were: 1 SBA Certified Small Disadvantaged business; 2 SBA Certified 8(a) Firm/Woman Owned; 6 Woman Owned; 13 Small Business; and 25 other than Small Business. The Contacting Office has personal knowledge with 12 of the listed companies and has awarded 6 contracts amongst them in the timeframe of 2008 through the present year.

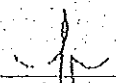
With personal award knowledge and a current surveillance of the local professional/allied healthcare staffing market, it was determined to seek an FSS competitive procurement however the solicitation has not received approval due to the new requirement of small business tiered rating. Upon solicitation approval, award will be made to the responsible offeror based on technical capabilities, past performance, Veterans involvement, and price.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** Under Statutory Authority, 41 U.S.C. 253(c)(2), Unusual and Compelling Urgency, an agency is authorized to limit the number of sources from which it solicits bids or proposals. The need for the required services is of such an urgency due to the fact that a delay in the award of a contract would result in serious injury to the Government. Not being able to properly complete the required background investigation and the privileging/credentialing processes for contractor personnel would in-turn affect the STVHCS Emergency Department's ability to provide life essential patient care. These mandatory requirements must be completed by each contract employee, including subcontract employees, prior to commencing work. Currently background investigations that are conducted by the VA Security Investigations Center are backlogged by 2 months while the actual investigation may take up to 60 days. Privileging/credentialing processes are also delayed due to manning in the local VetPro process office. The local VetPro has a documented package completion timeline of 14 – 21 days.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** The published pre-solicitation notice, VA-257-12-Q-105, received positive responses from current and previous FSS contract holders that their businesses could indeed provide the requested services and would await the new solicitation publishing via FBO.

**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:** A continued effort will be sought to publish a FSS competitive procurement which will include Office of Small and Disadvantaged Business Utilization approved small business tiered preferences.

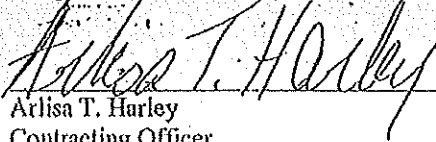
**12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

  
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Jamie Juntunen, M.D.  
Chief, Emergency Medicine Service  
South Texas Veterans Health Care System

2/23/12  
\_\_\_\_\_  
Date


13. Approvals in accordance with FAR 6.304

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

  
Arlisa T. Harley  
Contracting Officer  
Network Contracting Office 17


2/23/12  
Date

- b. Supervisory Contracting Officer: I certify the justification meets requirements for other than full and open competition.

  
Mary B. Accomando  
Supervisory Contracting Officer  
Network Contracting Office 17

2/24/2012  
Date

- c. NCM/PCM: I certify the justification meets requirements for other than full and open competition.

  
Juan T. Common, D.P.A., CPCM  
Network Contract Manager

2/24/2012  
Date