

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA246-16-AP-13202

1. **Contracting Activity:** Department of Veterans Affairs, VISN 6, Durham VA Medical Center
2237# 558-17-1-271-0005
2. **Nature and/or Description of the Action Being Processed:** To establish a contract to provide Basic Life Support (BLS) and Advance Life Support (ALS) Ambulance service for the Durham VA Medical Center to transport Veterans to and from approved VA and in the community scheduled appointments.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for Ambulance services for the Durham VA Medical Center.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The contract will include a requirement for Basic Life Support (BLS) and Advanced Life Support (ALS) Ambulance Services. The contractor shall furnish twenty four (24) hour ambulance service for the beneficiaries of the Department of Veterans Affairs Medical Center (VAMC), Durham, North Carolina, and all Community Based Outreach Clinics (CBOC) of the Durham VAMC. The total estimated cost of this contract will be \$175K with a total quantity of 382 trips and 10,314 miles over the 20 mile radius of scheduled trips. The period of performance for this contract will be from 15 September 2016 through 31 December 2016.
4. **Statutory Authority Permitting Other than Full and Open Competition:** FAR 6.302-2
 - () (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;

FAR13.5 Simplified Procedures for Certain Commercial Items:

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 Durham VA Medical Center was placed in an unusual and compelling circumstance when they received a call from their current contracted vendor for Ambulance services. The vendor stated that they were going out of business the next day and would no longer be providing Ambulance services to the Durham VA Medical Center for transport of their veterans. Upon receiving this information, the Durham VA Medical Center proceeded to contact numerous ambulance companies to see if they could provide the same services as the one that was previously contracted. There were only 2 (two) ambulance companies that responded as being able to fulfill the Durham VA Medical Center needs. The Durham VA Medical Center has already established an emergency contract with North State Medical Transport however they are unable to provide all of the services needed at this time. This additional emergency contract can fulfill other needs such as transport of Dialysis patients 3 (three) times a week to and from their scheduled appointments as well as discharges from the Durham VA Medical Center. The need to transport these veterans is extremely critical to the care of these ambulance bound veterans. The Durham VA Medical Center covers 27 counties from central North Carolina all the way to the eastern coast of North Carolina. The uniqueness of this contract is that the vendor needs to be able to transport in and out of all 27 of these counties. Accordingly, Bertie Ambulance Service is the only other firm capable of providing the 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:** On the 30th of August 2016 the Durham VA Medical center contacted the following Ambulance companies via telephone with the below results.
- Durham County EMS** – Only transport convalescence patients, i.e, 911 calls only (no scheduled appointments). Unable to fulfill the VA needs.
- Elite Medical Transport** – Not licensed to transport in other counties jurisdictions. Unable to fulfill the VA needs.
- First Choice Medical Transport** – Not licensed to transport in other counties jurisdictions. Unable to fulfill the VA needs.
- Nash County Ambulance Service** – Not licensed to transport in other counties jurisdictions. Unable to fulfill the VA needs.
- North State Medical Transport** – Licensed to transport in the same counties as previous vendor and willing to help support the VA needs. Able to fulfill most of the VA needs at this time.
- Samaritan Ambulance Service** – Only provide long distance ambulance transport and do not transport inside counties. Unable to fulfill VA needs.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Durham VA Medical Center received a copy of the 2016 Ambulance Fee Schedule along with the purposed pricing from North State Medical Transport from the Contracting Officer. It was determined that the cost was fair and reasonable based off of the 2016 Fee Ambulance Schedule pricing.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** As described in Section VI above, market research, in accordance with FAR Part 10, was conducted 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:** None
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** The below sources have expressed an interest in the acquisition both in writing and via phone calls.
Bertie Ambulance Service – Request received in writing.
Jan Care Ambulance Service – Request received via phone call.
Friendly Medical Transport – Request received via phone call.
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 Durham VA Medical Center has put in place a temporary Bridge Contract for services up to December 31, 2016. This will allow for open competitive acquisition to be pursued with an anticipated award date of January 1, 2017.
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.

Name: Clarence H. Lea
Title: Acquisitions and Utilization Specialist
Facility: Durham VA Medical Center

Date: September 9, 2016

13. **Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.** *This part is filled out by Contracting Staff as part of the Justification*
- a. **Contracting Officer or Designee's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Frank A. Fogg
Contracting Officer
NCO 6

10-3-2016
Date

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

- b. Director of Contracting /Designee (Required over\$150K but not exceeding \$700K): I certify the justification meets requirements for other than full and open competition.

 10/ /2016

Evelyn Ligon-Moton
Contracting Officer
Services I Branch Chief
NCO 6

Date