

**DEPARTMENT OF VETERANS AFFAIRS  
JUSTIFICATION AND APPROVAL  
FOR  
OTHER THAN FULL AND OPEN COMPETITION**

**1. Contracting Activity:**

Department of Veterans Affairs  
Networking Contracting Office 23, Station 618  
Minneapolis Veterans Affairs Medical Center Contracting Office  
708 3rd Street, Suite 200E  
Minneapolis, MN 55415

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

The Minneapolis Veterans Affairs Medical Center currently has an urgent need for an orthopedic surgeon to perform foot and ankle surgeries and to provide outpatient clinic services for an estimated 416 hours from April 1, 2012 – October 1, 2012. To meet this need, the Government proposes to award an urgent indefinite quantity / indefinite delivery / firm-fixed price contract in accordance with FAR 6.302-2 (Unusual and Compelling Urgency). This proposed urgent contract will also contain clause 52.217-8 (Option to Extend Services).

The current contract (VA263-P-0840) expires on March 31, 2012, and the period of performance in this contract cannot be extended as no extensions are available (e.g., 52.217-8 or 52.217-9).

It is anticipated that a long-term contract, which will follow the proposed urgent contract, will be awarded within the next 6 – 8 months.

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

The Minneapolis Veterans Affairs Medical Center currently has an urgent need for an orthopedic foot and ankle surgeon for an estimated 416 hours from April 1, 2012 – December 3, 2012. The estimated value of the urgent contract is \$250,000.00.

**4. Statutory Authority Permitting Other than Full and Open Competition:**

The statutory authority permitting other than full and open competition is 41 U.S.C.253(c)(2) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-2 entitled "Unusual and Compelling Urgency."

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

The proposed source for this action is Dr. Patrick Ebeling. He is currently providing the orthopedic foot and ankle surgeon services under the current contract.

The urgent contract is necessary to put in place to ensure continuity of direct patient care to the veteran patients. Disruption in foot and ankle surgery services would cause unnecessary delays in medical services to the veteran patients. In addition, it would result in a substantial increase in costs to the Government as patients would have to be referred to other providers on a fee basis.

Therefore, Dr. Patrick Ebeling is the only firm capable of providing the referenced services described in section 3 above without the Minneapolis Veterans Affairs Medical Center 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:**

Since the current contract expires on March 31, 2011, there is not sufficient time to adequately research, evaluate, and compare other orthopedic foot and ankle surgeons. Evaluating and comparing surgeons requires interviews and assessments of technical qualifications by a technical team. Therefore, the proposed urgent action will be awarded to Dr. Patrick Ebeling, the incumbent.

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

The urgent contract's price will be determined fair and reasonable in accordance with FAR 15.404-2. Information on market prices, historical contract pricing, and market conditions will be utilized. The Independent Government Cost Estimate, which would be based on salary information from the Association of American Medical Colleges and relative value units from the Centers for Medicare & Medicaid Services, will also be utilized.

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

It is not feasible to conduct market research for this proposed acquisition because the current contract expires on March 31, 2011, and there is not sufficient time to adequately research, evaluate, and compare other orthopedic foot and ankle surgeons. Evaluating and comparing surgeons requires interviews and assessments of technical qualifications by a technical team.

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

N/A

- 10. Listing of Sources that Expressed in Writing, an interest in the Acquisition:**

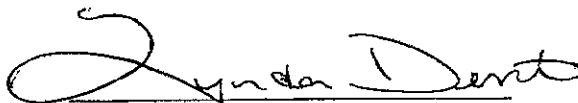
N/A

- 11. A Statement of the Action, 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 solicitation of the follow-on long-term contract will be classified as a competitive procurement to increase competition and to receive as many offers as possible.

- 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 is included in the justification is accurate and complete to the best of my knowledge and belief.



Lynda Dent  
Administrative Officer

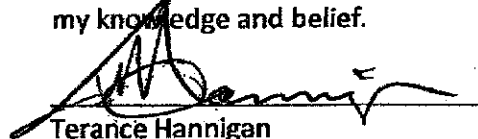
3/8/12  
Date

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**13. Approvals in accordance with FAR 6.304:**

**Contracting Officer's Certification**

I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
Terance Hannigan  
Contracting Officer

3/8/2012  
Date

**Network Contract Manager**

I have reviewed the foregoing justification and find it to be completed and accurate to the best of my knowledge and belief and approve for other than full and open competition.

  
Daryl Berg  
VISN 23 Network Contract Manager

3/9/12  
Date