

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

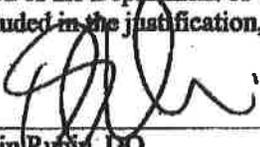
1. **Contracting Activity:** Department of Veterans Affairs VISN 8, Network Contracting Office (NCO) 8, 8875 Hidden River Parkway, Suite 525, Tampa, Florida, 33637-1035, as authorized by the West Palm Beach VA Medical Center, West Palm Beach, Florida, intends to enter into a contract requiring Justification for Other Than Full and Open Competition. Approved purchase request (2237) number 548-12-3-031-0009 applies to this requirement.
2. **Nature and/or Description of the Action Being Processed:** West Palm Beach VA Medical Center requests a Unusual and Compelling Urgency, short term, procurement from Medmark Services, Inc. to provide Primary Care and Mental Health (CBOC) service at six (6) distinct locations in Okeechobee, Vero Beach, Ft. Pierce, Stuart, Delray Beach, and Boca Raton, Florida for the West Palm Beach VA Medical Center. This action will be awarded as a firm fixed priced contract. Medmark Services Inc. is currently performing under a six month extension of a five year contract, contract number V548P-1243. This contract expires March 31, 2012.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Contractor shall provide Primary Care and Mental Health services (CBOC) service at six (6) distinct locations in Okeechobee, Vero Beach, Ft. Pierce, Stuart, Delray Beach, and Boca Raton, Florida, servicing approximately 30,000 Veterans, for the West Palm Beach VA Medical Center. The period of performance will be April 1, 2012 to June 30, 2012, with three (3) – one (1) month options to extend not to exceed six (6) months duration. The estimated cost for a three (3) month period is \$2,400,000 and \$800,000 per month, total potential cost is \$4,800,000.00.
4. **Statutory Authority Permitting Other than Full and Open Competition:** Service is being procured as implemented by FAR 6.302.
  - ( ) (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):** The nature of the acquisition requires the use of the Unusual and Compelling Urgency authority as follows. Medmark Services Inc. is currently performing under a six (6) month extension of a five (5) year contract V548P-1243, which expires March 31, 2012. Solicitation for a new contract for a base year and four (4) optional years was prepared and submitted for quality, technical, Patient Care Services (PCS) and legal review January 12, 2011. Due to implementation of the Patient Aligned Care Team (PACT) Model by PCS, VACO major time delays were encountered which required significant revisions to the solicitation. Additionally delays were encountered during the SSEB process because of scheduling of clinical staff board members. Two amendments to the solicitation have resulted in added time to complete the contract award process by March 31, 2012. Upon award of the new contract the contractor is allowed 90 days start up time from the date of contract award

therefore actual performance of the new contract will be considerably later than April 1, 2012. Medmark Services Inc currently leases space, employs the necessary professional and administrative staff to meet the requirements and has in place the complete medical record data base to maintain the healthcare service to the Veterans. Medmark Services Inc is capable of performing the highly complex services required by this contract. Medmark's professional and administrative staff is presently credentialed and has completed background investigations. No other contractor, at present, has professional and administrative staff which is credentialed by West Palm Beach VA Medical Center, West Palm Beach, Florida and has completed background investigations. Medmark Services Inc. can continue services without interruption or cessation of primary healthcare provided to approximately 30,000 Veterans which supports to VA's primary mission. Without a short term contract in place the six CBOCs presently providing primary healthcare for approximately 30,000 Veterans would close. The VA would then need to procure healthcare services thru the VA's Fee Process which adds significant additional cost. If healthcare services required by the Veterans are not geographically available, additional costs would be incurred providing transportation of Veterans to the West Palm Beach VA Medical Center. The Veterans would also experience serious and traumatic disruptions to their healthcare services which are contrary to the VA's primary mission. This has the potential of resulting in massive negative media publicity that can harm the VA's image and impede the VA's continued mission to provide primary healthcare to the outlying geographic areas. Delay of contract award would result in additional finance cost and would seriously impact the VA's primary healthcare mission. See supporting information Attachment 1.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** It is deemed unpractical to contact other potential sources due to the following. This is a highly complex requirement to provide the full range of Primary Care and Mental Health services which includes professional and administrative services and clinic space at six (6) different CBOC locations. Any potential source would require a minimum 30 to 45 days to prepare a proposal for this requirement in addition to a 60 to 90 day start up time to provide space, staffing, credentialing and background investigations. It is highly unlikely any potential new contractor will have in place the necessary space, staffing, all operational components, equipment and fully functional medical records system with the capability to interface with the VA's electronic medical records by April 1, 2012. A full and open competition for a long term contract is presently being accomplished under VA-248-RP-0061.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost is determined to be fair and reasonable to the Government based on the previous negotiated contract prices paid for the same service, a market survey comparing the current contract price with other prices offered to other VA Contracting Officers and prices offered in the market place.
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 through GSA, VetBiz and CCR searches, as indicated in Attachment 2, without any favorable results. Also, as indicated in Attachment 2, services are available on the open market. However, the complex requirements of the Performance Work Statement, start up requirements which may not be deferred or waived (privileging of Licensed Independent Practitioners; credentialing of Allied Health Professionals, and obtaining NACI background investigations) would be cost and time prohibitive for the limited duration of the interim contract.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Approval of this justification for an Unusual and Compelling Urgency, short term procurement is necessary to ensure healthcare services are not discontinued nor disrupted pending contract award of solicitation number VA-248-RP-0061 as identified in paragraph 5 and 6.

February 6, 2012

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Potential sources are not likely to express interest in this requirement due to the requirement to provide the full range of Primary Care and Mental Health services (CBOC) which includes professional and administrative services and clinic space at six (6) different CBOC locations, the complexity of this requirement, the lead time to credential and process background investigations of approximately 100-120 physicians, the short duration of this contract requirement (6 months) and the need by April 1, 2012. See section 5 and 6 above.
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:** This short term contract will provide sufficient time to complete full and open competition contract award under VA-248-RP-0061 solicitation with information known at this time.
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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Darin Rubin, DO  
Chief, Primary Care Service  
VA Medical Center, West Palm Beach

2/6/12  
\_\_\_\_\_  
Date

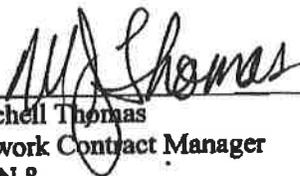
13. **Approvals in accordance with FAR 6.304**

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

  
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Charlene K. Stiens  
Contracting Officer  
NCO 8, Tampa, FL

2/8/12  
\_\_\_\_\_  
Date

- b. **DNCM/NCM:** (SAT to \$500,000) I certify the justification meets requirements for other than full and open competition.

  
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Mitchell Thomas  
Network Contract Manager  
VISN 8

2-8-12  
\_\_\_\_\_  
Date

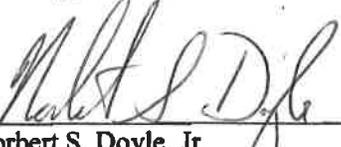
February 6, 2012

- c. **SAO:** I certify the justification meets requirements for other than full and open competition.

  
\_\_\_\_\_  
David Fitzgerald  
Director  
Service Area Office, East

Date 14 Feb 2012

- d. **VHA HCA Review and Approval:** (over \$500,000) 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 (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.

  
\_\_\_\_\_  
Norbert S. Doyle, Jr.  
Chief Procurement and Logistics Officer  
VHA Head of Contracting Activity (HCA)

Date 2/16/12

- e. **VA Deputy Senior Procurement Executive Approval (over \$10 million but not exceeding \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

\_\_\_\_\_  
Iris B. Cooper  
Deputy Senior Procurement Executive (DSPE)  
Office of Acquisition and Logistics  
Department of Veterans Affairs

Date \_\_\_\_\_

- f. **VHA Senior Procurement Executive Approval (over \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

\_\_\_\_\_  
Jan R. Frye  
Deputy Assistant Secretary for Acquisition and Logistics  
Senior Procurement Executive (SPE)  
Department of Veterans Affairs

Date \_\_\_\_\_