

Attachment 1: Request for SDVOSB/VOSB Sole Source Justification Format >\$150K

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA241-17-AP-6787

1. **Contracting Activity:** Department of Veterans Affairs, VISN 1, NCO1 for facilities including VAMC Providence, RI; VAMC White River Junction (WRJ), VT; VA WRJ Community Based Outpatient Clinics (CBOCs); VAMC Northampton, MA; VAMC Manchester, NH for the following 2237s:
 - a. 650-18-2-097-0002
 - b. 405-18-2-7453-0003
 - c. 405-18-2-7111-0002
 - d. 631-18-2-7453-0002
 - e. 608-18-2-7453-0002
2. **Nature and/or Description of the Action Being Processed:** Consolidate VISN1 courier service requirements for the aforementioned sites into one IDIQ contract for a 5 year period of performance. Currently, courier service is provided by Crosstown Courier, an SDVOSB under 3 separate contracts: VAMC Providence; VA WRJ CBOCs and VAMCs WRJ/Northampton/Manchester which are combined into a single specimen transport BPA. The intent is to consolidate the VISN1 courier service and solicit this requirement as an SDVOSB set-aside to the incumbent, Crosstown Courier.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The services include transportation of specimens and other delivery services for the following VISN1 locations: VAMC Providence, RI; VAMC WRJ VT; VA WRJ, VT CBOCs; VAMC Northampton, MA and VAMC Manchester, NH which will be consolidated into a single 5 year IDIQ contract.

Total estimated value for the 5 years plus a potential 6 month extension is \$2,740,000.00. Period of performance will be 3/1/2018 through 2/28/2023 plus the 6 month extension, if needed.

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(5), 38 U.S. Code § 8127, as implemented by FAR 6.302-5 (Authorized or Required by Statute). COs may use the non-competitive (sole source) procedures authorized in VAAR 819.7007 or 819.7008 up to \$5,000,000. Check the specific VAAR clause used below:
(X) 819.7007 Sole source awards to a verified service-disabled veteran-owned small business; or
() 819.7008 Sole source awards to a verified veteran-owned small business
5. **Demonstration that the Contractor's Unique Qualifications and/or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Crosstown Courier is the incumbent who is currently performing these courier services under 3 separate procurement vehicles for the sites listed. Crosstown meets the criteria described in the VAAR 819.7007 statutory allowance to sole source to verified SDVOSBs. The total potential value of this procurement at

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\$2.7MIL is under the \$5MIL threshold. This justification will be posted after contract award, as required. Crosstown has been determined to be a responsible contractor. It is anticipated that a contract award can be made at a fair and reasonable price that offers the best value to the Government. They are a VetBiz verified SDVOSB contractor that is located in Massachusetts, in close geographic proximity to the sites to be serviced. Positive feedback from the VA facilities currently receiving courier service from Crosstown under separate procurement vehicles has been very favorable. VA Providence POC who monitors courier services at that facility commented they are very pleased with Crosstown's performance in Providence since courier drivers are always very professional and "extremely responsive to any emerging requests and always courteous." VA WRJ Lab POC has experienced three different couriers previously and Crosstown has consistently provided services that far exceed those of the other two. The drivers are "consistent, caring and reliable across the board." The contractor is "responsive when problems arise and act very quickly to remedy. They are willing to work through logistical and technical issues that arise to find solutions." For the STAT courier services for the WRJ Laboratory, "from the first day their performance has been outstanding and they are highly responsive." VA Northampton is also satisfied with the contractor's performance. VA Manchester is satisfied with the normal courier services performed by Crosstown but there was an issue with urgent pickups with a subcontractor that was providing the services on occasion as a backup. Crosstown has provided corrective action that addresses those concerns. Crosstown drivers also have the required HazMat, HIPPA training and Universal Precautions for handling of biohazard materials training IAW the Performance Work Statement (PWS).

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

A Sources Sought Notice was posted to FBO on 9/27/2017 to conduct market research and determine if there were other sources that could provide this courier service requirement.

Responses were received from the following 6 contractors:

- a. USA Couriers, Inc., WOSB, 8a
- b. MAKO Laboratories, a SB
- c. Crosstown Courier, a verified SDVOSB, the incumbent
- d. Clientele Human Capital Solutions, a verified SDVOSB
- e. Brandon Staffing, a verified SDVOSB
- f. All American Express, a verified SDVOSB

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable: A determination on price reasonableness will be made by comparing the proposed pricing to previously negotiated historical prices for the courier services currently provided under the 3 separate procurement vehicles as well as courier services provided for the remaining VISN1 sites that are not included in this procurement since they are large facilities that are best served by separate procurement vehicles.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Based on guidance resulting from the Supreme Court Decision *Kindomware vs. United States* which requires VA to utilize SDVOSB and VOSB if market research shows 2 or more can perform the work, GSA Schedule 48 Transportation, Delivery and

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Relocations Solutions, Category 451 3 Local Courier Delivery Services was explored for SDVOSB or VOSBs that could provide this service. Search results show 2 VOSB and 1 SDVOSB on schedule, none of which are located in the northeast. Market research completed on VetBiz for any SDVOSBs listed under NAICS 492110 for courier services returned 93 verified SDVOSB firms nationwide. Narrowing the SDVOSB search to the VISN locations for services under the same NAICS resulted in one source, the incumbent, Crosstown Courier.

- A. Review of each of the SDVOSB capability statements submitted with responses to the Sources Sought Notice showed the following:
- a. Crosstown Courier, the incumbent, located in Massachusetts provides courier services throughout the US and their services are listed under 3 applicable courier NAICS codes.
 - b. Clientele Human Capital Solutions, located in Maryland provides a wide range of services such as mail transport/sorting, medical courier services, temporary staffing, auditing, training, executive /administrative support, workforce planning /analytics and facilities support services under 7 different NAICS codes including 492110 for courier services.
 - c. Brandon Staffing Solutions, located in Texas provides staffing support including temporary administration/professional services, business services, IT Services, outsourcing services, Software, consulting and have 47 NAICS codes listed under their services including 492110 for courier services.
 - d. All American Express, LLC is a full service purchasing agent that can provide office, medical, home, workshop, cleaning, manufacturing and product fulfillment solutions anywhere in the US. Their services are listed under 25 NAICS codes including 492110 for courier services.
- B. Although there are 4 VetBiz verified SDVOSB vendors who have expressed interest in this procurement and all have the appropriate NAICS listed under their services, 3 of those SDVOSB firms appear to perform courier services as only a small part of their available business services. It is also not clear that any of the 3 firms have the appropriate required certifications to handle bio-hazardous materials and if their couriers are HazMat Certified although they do indicate they are OSHA certified. The fact that none has medical courier transport as their main business is concerning for this consolidated requirement. The PWS identifies Hazardous Materials training and HIPPA training certifications as requirements for this procurement. Courier drivers also need to be trained in Universal Precautions for handling of biohazard materials to include the proper procedures in case of biohazard spills or accidents.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Crosstown's Contractor Performance Assessment Reports (CPARs) were accessed through the Past Performance Information Retrieval System (PPIRs) contains 50 assessment records. Crosstown received satisfactory, very good and some exceptional ratings for all except for one marginal for quality for the period 10/10/15 through 9/30/2016. However, the marginal assessment indicated that the issue had been addressed and corrective action presented. Based on the positive CPAR records and VISN1 personal experience with Crosstown Courier, they are considered to be exceptional in providing the services the VA needs.

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

VHAPM Part 819.7007/7008 Sole Source Awards to a Verified Service-Disabled Veteran-owned Small Business/Veteran-owned Small Business

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- a. USA Couriers, Inc., WOSB, 8a
- b. MAKO Laboratories, a SB
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- d. Clientele Human Capital Solutions, a verified SDVOSB
- e. Brandon Staffing, a verified SDVOSB
- f. All American Express, a verified SDVOSB

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: An annual review of performance will be completed to monitor compliance with the PWS requirements. For future courier services procurements, the VA will consider all potential sources who demonstrate the capability to meet the needs of VISN1 in accordance with the PWS. Extensive market research will be performed prior to recompeting the requirement to determine if there are other sources who can provide these services.

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.

Janet L. Lane
150483

Digitally signed by Janet L. Lane 150483
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0.9.2342.19200300.100.1.1=janet.lane2@va.
gov, cn=Janet L. Lane 150483
Date: 2017.11.02 13:35:29 -04'00'

Janet Lane

Network Consolidated Laboratory Program Director
VAMC VISN1

11-2-2017
Date

13. Approvals in accordance with the [VHAPM Part 806.3 OFOC SOP](#):

- 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.

Valerie J.
DeAngelis 908087

Digitally signed by Valerie J. DeAngelis
908087
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Valerie J. DeAngelis
Contracting Officer
VAMC Providence, RI

11/2/2017
Date

- b. **QA Procurement Analyst**

Carol Domingue
647843

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a.gov, cn=Carol Domingue 647843
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Carol Domingue
Procurement Analyst
VAMC Manchester, NH

11/2/2017
Date

VHAPM Part 819.7007/7008 Sole Source Awards to a Verified Service-Disabled Veteran-owned Small Business/Veteran-owned Small Business

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- c. **One Level Above the Contracting Officer (Required over \$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Gerald F. Jacobs
668993

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0.9.2342.19200300.100.1.1=gerald.jacobs@v
a.gov, cn=Gerald F. Jacobs 668993
Date: 2017.11.20 08:38:29 -05'00'

11/20/2017

Gerald Jacobs
VISN1 NCO1 Director
VAMC Togus, ME

Date

- c. **VHA SAO HCA Review and Approval:** 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 (if over \$68 million) or approve (\$700K to \$68 million) for other than full and open competition.

JOSEPH MALETTA
1347841

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0.9.2342.19200300.100.1.1=joseph.maletta@va.go
v, cn=JOSEPH MALETTA 1347841
Date: 2017.11.21 09:26:24 -05'00'

11/21/2017

Joseph Maletta
SAOE Director
VHA Head of Contracting Activity (HCA)

Date