

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA248-18-AP-8660

1. **Contracting Activity:** Department of Veterans Affairs, Veterans Integrated Service Network 08 (VISN 08), Network Contracting Office 8 (NCO 8), Approved purchase request (2237) number 548-18-2-717-0001, in the amount of [REDACTED] applies to this procurement.
2. **Nature and/or Description of the Action Being Processed:** NCO 8 proposes to negotiate a Fixed-Price Indefinite Delivery/Indefinite Quantity (ID/IQ) award for an initial base period of six (6) months, with two (2) three (3) month option periods, not to exceed 12 months, utilizing Other than Full and Open Competition in accordance with VA Directive 1663, 38 USC 8153, for Community Based Outpatient Clinic (CBOC) services. The period of performance for this interim contract will be April 1, 2018 through September 30, 2018. Including available options the term of this contract may extend from October 1, 2018 through March 31, 2019. The Medical Administration Department at the West Palm Beach Veterans Affairs Medical Center (WPBVAMC) has a requirement for an interim contract for continuation of professional medical services which will facilitate transition (i.e., background investigations, training, credentialing, etc.) and completion of solicitation award VA248-17-R-0975 for the required services. Services are currently being performed under contract VA248-13-D-0004 which expires March 31, 2018. The estimated award date for the interim contract is March 30, 2018. The estimated value for this procurement is [REDACTED] for the base period and [REDACTED] for option periods two (2) and three (3) with an estimated total contract value of [REDACTED]. To avoid interruption in direct patient care, NCO 08 intends to award a contract on a sole source basis to MedMark Veteran Services LLC, 401 E. Corporate Drive, Suite 220, Lewisville, TX 75057.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The WPBVAMC located at 7305 N. Military Trail, West Palm Beach, FL 33410 requires CBOC services in support of eligible beneficiaries of the facility. The Contractor shall provide six (6) CBOCS at the following locations: Delray Beach, FL; Boca Raton, FL; Ft. Pierce, FL; Stuart, FL; Vero Beach, FL; and Okeechobee, FL. The contractor shall provide all labor, supervision, materials and services necessary to provide a full range of primary care and mental health services which includes professional, administrative and clinic space for six (6) CBOC locations. The Contractor shall be responsible for providing professional staff, diagnostic testing, treatment and referral arrangements required for continuity of care at each facility. Services shall be provided in accordance with Veterans Affairs (VA), WBPVAMC, and Joint Commission (TJC) guidelines.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
  - (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
  - ( ) (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):** MedMark Veteran Services LLC, incumbent contractor, has the necessary credentialing, privileges and completed background investigations. At present, there are no known Contractor's, with professional and administrative staff, that possess the required credentials and background investigations with WBPVAMC approval within this short timeframe. The estimated time required for initiation and completion of background investigations, mandatory training and credentialing for contract physicians and mobilization of necessary personnel and staff would require approximately 120 days. This would create a disruption in receipt of these critical services and cause mission degradation. MedMark Veteran Services LLC has the capability to continue services without interruption or cessation of healthcare which is critical to meeting the needs of eligible beneficiaries of the WBPVAMC.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** It is impracticable to seek competition due to the complexity of the requirement and necessary transition efforts to avoid disruption of services. In addition, it is unlikely that any potential new contractor will have the necessary space, staffing, operational components, equipment and a fully functional medical records system capable of interfacing with the VA's system in time to begin performance of service by April 1, 2018. A notice of intent to sole source was posted to Fedbizopps on March 15, 2018 notifying the public of the Government's intent to award a contract sole source to MedMark Veteran Services LLC. Solicitation number VA248-17-R-0975 was posted to Fedbizopps on December 4, 2017 using full and open competition procedures.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer (CO) will determine price reasonableness in accordance with Federal Acquisition Regulation (FAR), 15.404-1 (b)(2)(i). Reference attachment one (1) for the supporting documentation to validate price reasonableness which is considered procurement sensitive information. This procurement does not require certified cost or pricing data, technical evaluations and/or audits.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Although there were several businesses that expressed interest in providing the service, the complex requirements of the performance work statement (PWS) and contract start up requirements which cannot be deferred or waived would be cost and time prohibitive for the limited duration of the interim contract. 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. A request for information (RFI) was issued to Fedbizopps on March 8, 2017 and NCO 8 held an industry day on April 18, 2017 to determine if there were two (2) or more Service Disabled Veteran Owned Small Businesses (SDVOSB) or Veteran Owned Small Businesses (VOSB) that were competitive in terms of technical capability, market price and delivery or the viability for a small business set-aside. The RFI yielded responses from eleven (11) businesses and ten (10) businesses attended the industry day. Market research revealed that there was not a reasonable expectation of receiving proposals from two (2) or more SDVOSB's, VOSB's or small businesses that could provide the service. The requirement is usual and customary in a commercial market place and there is not an unusual VA requirement that would exclude the procurement as a commercial service. Solicitation VA248-17-R-0975 was issued to Fedbizopps for the long-term procurement to facilitate full and open competition.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The WBPVAMC is not equipped to provide the service; however, this service is critical to the mission. The incumbent,

MedMark Veteran Services LLC, is currently providing these services under contract VA248-13-D-0004, which expires March 31, 2018. Full and open competition procedures are being utilized for solicitation VA248-17-R-0975. Solicitation VA248-17-R-0975 will result in the award of a new contract with a base year period of 12 months, to include four (4), one (1) year options. The solicitation was issued December 4, 2017 with a closing date of February 7, 2018. The procurement is currently in the source selection phase and award is not expected to be made on/before April 1, 2018. Upon award of the new contract, the contractor is allowed 120 days start up time from the date of contract award. Approval of this justification is necessary to ensure healthcare services are not discontinued or interrupted pending contract award. Additionally, award to another source would result in duplication of costs that the Government does not expect to recover through competition.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** There are no other known sources capable of providing the service without causing a break in service, but the proposed. It is not feasible to award to another contractor due to the short duration of this contract.
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:** There are no other viable options for removing existing barriers to competition for this acquisition. WPBVAMC is not equipped with the staff, equipment, supplies and space to provide this service.
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.

[Redacted Signature]

3/23/18  
Date

[Redacted Title]

13. **Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:**

- a. **Contract Specialist:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

SHAUNDRICA M. CLOSE 226288

Digitally signed by SHAUNDRICA M. CLOSE 226288  
Date: 2018.03.23 10:31:59 -04'00'

Shaundrica M. Close  
Contract Specialist  
NCO 8

3/23/2018  
Date

- b. **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.

[Redacted Signature]

3/23/2018  
Date

[Redacted Title]



- 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.

[REDACTED]

3/23/2018

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.

[REDACTED]

Date