

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA250-18-AP-2982

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 10, on behalf of Veteran Health Indiana, Richard L. Roudebush VA Medical Center located at 1481 West 10th Street, Indianapolis, IN 46202-2803. VA Form 2237# 583-18-2-825-0014 has been submitted to fund the action supported by this justification.
2. **Nature and/or Description of the Action Being Processed:** The action being approved through this justification is a sole source award to Ambulance Management Services LTD, dba Trans-Care Ambulance, 1299 E. Voorhees Street, Terre Haute, IN 47802.

This will be awarded as a new, temporary contract effective January 1, 2018 for a period of six (6) months through June 30, 2018. This temporary contract is necessary to bridge the gap between contract VA251-16-D-0108, expiring on December 31, 2017 and the new long term acquisition being conducted under Acquisition Plan Action ID VA250-17-AP-5076. Federal Acquisition Regulation (FAR) Clause 52.217-8 Option To Extend Services under Contract VA251-16-D-0108 was exercised effective July 1, 2017 for a six-month period ending December 31, 2017, requiring NCO 10 to take this necessary action to ensure no break in services while the long-term contract is being competed.

The contract action proposed by this justification will be a firm, fixed price indefinite delivery, indefinite quantity contract effective January 1, 2018 through June 30, 2018. The Contracting Officer will issue a single task order against the base contract effective for the six month duration funding all anticipated services.

This procurement is in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Richard L Roudebush VA Medical Center (RLRVAMC) has a requirement for Basic Life Support (BLS), Advanced Cardiovascular Life Support (ALS) Ambulance Services, and Special Mode of Transportation (SMT) for eligible beneficiaries of the RLRVAMC Transportation Service in Indianapolis, IN. VA pays the cost of specialized modes of transportation when a VA physician determines it is medically required and the veteran or other individual is unable to defray the cost.

The estimated value of this six (6) month contract is \$975,486.90 based on pricing from the current contract expiring on December 31, 2017 using six (6) months of historical data for the quantity of trips. The table below captures the required line items, estimated quantities, and unit prices.

DIRECT LABOR (List Labor Categories)	ESTIMATED TRIPS	RATED PER TRIP (\$)	ESTIMATED COST (\$)	TOTAL ESTIMATED COST (\$)
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BLS Transport within 25 miles of Zip Code 46202		\$ 442060.00	\$ 442,060.00
ALS Transport within 25 miles of Zip Code 46202		\$ 99465.00	\$ 99,465.00
Specialty Care Transport within 25 miles of Zip Code 46202		\$ 35918.00	\$ 35,918.00
Bariatric surcharge		\$ 14281.30	\$ 14,281.30
Waiting Time per half hour		\$ 7762.50	\$ 7,762.50
Transport Mileage Outside of 25 Miles of Zipcode 46202		\$ 376000.00	\$ 376,000.00
	TOTAL DIRECT LABOR		\$975,486.80

Contract VA251-16-D-0108 was awarded on July 1, 2016 for a term of one (1) base year and four (4) one (1) year options with a not to exceed (NTE) contract value of \$4,133,522.27. Within the first 18 months of performance, the need for services far outpaced the anticipated levels and the Government obligated over \$2,889,698 during that time, 3.5 times the anticipated levels for the same 18 month period. As NCO 10 was quickly approaching the NTE limit, NCO 10 decided to re-compete the effort and requested a new acquisition request package from the Patient Mobility Supervisor.

At the conclusion of the base period on June 30, 2017, the Contracting Officer at the time determined it was in the best interest of the Government to exercise the Government's right to extend the term of the contract as authorized under FAR 52.217-8 for a period of six (6) months effective July 1, 2017 through December 31, 2017 and re-compete the effort in the interim. However, due to continuous, ongoing changes to the Performance Work Statement and delays in market research efforts, the new contract will not be in place prior to Contract VA251-16-D-0108 expiration on December 31, 2017.

It should be noted while the Government is sole sourcing this temporary action to Trans-Care Ambulance for an estimated value of \$975,486.90, when including the previously obligated total of \$2,889,698.00 under VA251-16-D-0108, the Government is still below the original NTE limit of contract VA251-16-D-0108. However, due to the original Contracting Officer exercising FAR 52.217-8, the Government must establish a new contract after December 31, 2017.

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

- () (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;

The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority): As detailed in Section 8, Trans-Care Ambulance is not the only provider of non-emergent ambulance services in the Indianapolis geographical area. The

reason Trans-Care Ambulance is the only source that will satisfy the agency requirements is they are the only source operationally capable within two (2) weeks. Due to the time necessary for a new contractor to transition equipment and staff to service this contract, time necessary for the contractor's staff to take required VA privacy and HIPAA training, and time necessary for the VA staff to learn and coordinate ordering services from a new provider, the Government cannot obtain these services in a timely manner to ensure no break in service. Accordingly, Trans-Care Ambulance is the only firm capable of providing the services described in Section 3 above without the Richard L. Roudebush VA Medical Center experiencing unacceptable delays in transporting patients.

NCO 10 fully intends to compete this requirement once the pre-solicitation activities have been completed. NCO 10 intends to have a new contract in place with sufficient transition time to be effective July 1, 2018.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** No efforts were made to ensure that offers were solicited from as many potential sources as deemed practicable. When Contract VA251-16-D-0108 was awarded, it was awarded based on competition through Request for Quotes (RFQ) VA251-16-Q-0178, set aside exclusively for small business concerns. As a result of that RFQ the Government received a total of four (4) quotes, of which Trans-Care Ambulance was determined to be the best value. However, due to the reasons stated in Section 5, no other source is capable of meeting the timelines required by the Government.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated costs to the Government will be fair and reasonable. The Government will be using the prices quoted to the Government for Option Period 1 under Contract VA251-16-D-0108, awarded as a result of RFQ VA251-16-Q-0178, which were determined to be fair and reasonable at time of award as a result of full & open competition amongst small businesses. If necessary, the Contracting Officer will use other price analysis techniques identified in FAR 13.106-3(a)(2) to determine the prices to be fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** No market research was conducted. Given this acquisition was competed in FY2016 with four (4) quotes received as a result of RFQ VA251-16-Q-0178, the Contracting Officer knows there are other sources available for these services. However, given the short period of time until the expiration of Contract VA251-16-D-0108, Trans-Care Ambulance is the only firm capable of providing the supplies and services necessary without the Richard L. Roudebush VA Medical Center experiencing unacceptable delays in fulfilling its requirements. This is due to the time necessary for a new contractor to transition equipment and staff to service this contract, time necessary for the contractor's staff to take required VA privacy and HIPAA training, and time necessary for the VA staff to learn and coordinate ordering services from a new provider. Additional market research would not remove these obstacles from another contractor to provide immediate, short term services.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The Contracting Officer has no additional facts, other than those previously stated, to support the use of other than full and open competition.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Not Applicable.
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 Government anticipates to fully compete this requirement for services effective July 1, 2018.

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.

Erich Orrick
1084096

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1084096
Date: 2017.12.15 10:42:29
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Erich Orrick
Patient Mobility Supervisor
Richard L. Roudebush VA Medical Center

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.

Jared A. Tritle
718134

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718134
Date: 2017.12.15 10:48:26 -05'00'

Jared Tritle
Contracting Officer
Network Contracting Office 10

- b. **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.

Toni D. Waggoner-
Boykin 393105

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Waggoner-Boykin 393105
Date: 2017.12.15 10:52:08
-05'00'

Toni Waggoner-Boykin
Branch Chief, Services Team #3
Network Contracting Office 10

TERRY L.

SPITZMILLER 394683

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SPITZMILLER 394683
Date: 2017.12.15 15:12:51
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Terry L. Spitzmiller
Director of Contracting
Network Contracting Office 10

- 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.

Randy L. Hays
534204

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Hays 534204
Date: 2017.12.18 12:07:57 -08'00'

Randy Hays
Acting Director, SAO Central
SAO Central Head of Contracting Activity