

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A) For Other Than Full and Open Competition (>SAT)

Acquisition Plan Action ID: VA255-18-AP-4561

1. **Contracting Activity:** Department of Veterans Affairs, VISN 15, Marion VA Medical Center, 2401 West Main St., Marion IL 62959-1188. Existing 2237 #657-18-1-2105-0003 was amended to change funding to \$850,000.00 and will be used for this contract.
2. **Nature and/or Description of the Action Being Processed:**
 - a. This is a request for a sole source firm-fixed price bridge contract to MedicOne Medical Response, 14290 Gillis Rd., Farmers Branch TX 75244-3722, (866)999-6339, for furnishing prearranged ground ambulance transportation services for beneficiaries of the Marion IL VA Medical Center's service area, with on-call services as needed and for non-scheduled medical emergencies as they may arise.
 - b. This contract will be for a four (4) month period commencing May 31, 2018 and expiring September 30, 2018. Total estimated price is \$850,000.00.
 - c. This contract will replace existing contract VA255-16-D-0161 which was awarded to MedicOne Medical Response commencing 10/1/2016 and will expire 5/30/2018 with a total obligated contract amount of \$4,320,800.00. That contract was acquired in accordance with FAR 6.203 via full and open competition after exclusion of sources with a 100% set-aside for small business concerns participation.
 - d. **FAR13.5 Simplified Procedures for Certain Commercial Items:** FAR 13.5 Test Program: This procurement is for beneficiary ambulance transportation services in accordance with FAR 13.5 Test Program 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:**
 - a. Furnishing of Basic Life Support (BLS) Ambulance Service and Advanced Cardiovascular Life Support (ACLS) ambulance transportation services for beneficiaries of the Department of Veterans Affairs (VA) in Marion, IL and Evansville Health Care Clinic and all Community Based Outpatient Clinic's. The Contractor shall provide all vehicles, personnel, management, supplies, transportation, equipment and reports necessary to cover all ground ambulance services.
 - b. Services are required for eight (8) medical facilities located in Illinois, Indiana and Kentucky. The Contractor will transport eligible veteran beneficiaries to, from, and within the following locations:
 - (A) Marion IL VA Medical Center
 - (B) Evansville IN VA Health Care Center
 - (C) Community Based Outpatient Clinics (CBOCs) located in:

- (i) Carbondale IL
- (ii) Effingham IL
- (iii) Hanson KY
- (iv) Harrisburg IL
- (v) Mayfield KY
- (vi) Mt. Vernon IL
- (vii) Owensboro KY
- (ix) Paducah KY
- (x) Vincennes IN

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;

FAR13.5 Test Program: The authority for applying the Commercial Test Program of FAR 13.5 is (Section 4202 of the Clinger-Cohen Act of 1996) 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):

- a. MedicOne Medical Response currently provides the required services to the Marion VA Medical Center and Evansville IN VA Health Care Center service areas under ID/IQ contract VA255-16-D-0161, which will expire May 30, 2018.
- b. Except for MedicOne Medical Response there is presently no single ambulance service provider in the Marion IL VA Medical Center service area who is of sufficient size to accommodate the large volume of ambulance services that the Medical Center requires. All offerors, other than MedicOne, who submitted a proposal for the new base plus four option year contract will have to move to the area and set-up an infrastructure to support the contract. MedicOne Medical Response is fully staffed with certified and licensed Emergency Medical Technicians and Ambulance Drivers who have already had background investigations and possess PIV cards, they have a dedicated fleet of licensed ambulances in place in sufficient number to meet the high volume of services required by the Medical Center. Any new contractor would need approximately sixty (60) days for contract start-up. They will need to hire and train personnel (both new and incumbent contractor personnel), obtain certification of personnel in three (3) different states (Illinois, Indiana and Kentucky), obtain, inspect and certify their facility and all vehicles intended for use under this contract in three (3) different states (Illinois, Indiana and Kentucky). Accordingly, MedicOne Medical Response is the only firm capable of providing the supplies and services described in Section 3 above without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements.

- c. A sole source bridge contract is being sought for the period commencing May 30, 2018 and expiring September 30, 2018 so that vital ambulance services can continue until a new base plus four option years contract (presently in the award phase) can be awarded and the new contractor can complete all start-up functions.

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

- a. Request for Proposals VA255-17-R-0753 for identical services was posted to fbo.gov closing November 26, 2017. All potential sources were provided an opportunity to participate in that open solicitation. The results of that acquisition reinforce the market research accomplished for this bridge contract, that MedicOne is presently the only ambulance service provider in the Marion IL VA Medical Center service area of sufficient size to accommodate the large volume of ambulance services that the Medical Center requires. All offerors, other than MedicOne, who submitted a proposal for the new base plus four option year contract will have to move to the area and set-up an infrastructure to support the contract.
- b. Sources sought notice. There was not sufficient time to publish a sources sought notice for this bridge contract due to the imminent expiration of the existing contract. However, the results of sources sought notice VA255-17-N-0746 posted to fbo.gov July 6, 2017 and closed July 20, 2017 for identical services at the same facility is still considered valid and in accordance with FAR 10.002(b)(1) the Contracting Officer may use market research conducted within 18 months if the information is still current, accurate and relevant. There were Three (3) small business and one (1) large business sources available but only one vendor responding to the sources sought, MedicOne Medical Response, is presently on-site in the Marion service area and is capable of accommodating the large volume of ambulance services required.
- c. Other actions. No other actions have been identified.

- 6. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost to the Government is determined to be fair and reasonable based upon price comparison with the prior contract with MedicOne Medical Response for identical services provided from 2016-present (VA255-16-D-0161). The existing contract was acquired through full and open competition. MedicOne's price was considered to be reasonable based upon adequate competition. Award was best value, considering Technical Excellence, Past Performance and Price trade-offs. The IGCE for this acquisition reflects the current price being paid for these services. The price quotation received from MedicOne Medical Response has been analyzed and is identical to the Contract Line Item Number (CLIN) prices for services presently being provided.

7. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

- a. To ensure compliance with 38 U.S.C. 8127's "Rule of Two" a search of the VA's Vendor Information Pages (VIP) database was conducted using the search criteria NAICS 621910, for the states of Illinois and Indiana and the keyword Ambulance. Nine (9) Service Disabled Veteran Owned Small Businesses (SDVOSB) were identified. All nine capabilities statements were reviewed with the result that none had the capability of providing services on-site immediately (5/31/2018).

- b. A search of the Small Business Administration's Dynamic Small Business Search (DSBS) database utilizing the same search criteria as was used in the VIP search revealed no socio-economic groups meeting the search criteria. Two (2) SDVOSB, two (2) VOSB, and three (3) Women Owned Small Business (WOSB) entities were identified. Each of the identified vendor's capabilities statement was reviewed with the result that none had the capability of providing services on-site immediately (5/31/2018).
- c. Market research was conducted for Request for Proposals VA255-17-R-0753 that closed November 26, 2017. Five (5) responses were received in response to the solicitation which demonstrated that the market research conducted was effective and adequate competition was obtained. The market research also revealed that MedicOne is presently the only ambulance service provider in the Marion IL VA Medical Center service area of sufficient size to accommodate the large volume of ambulance services that the Medical Center requires. All offerors, other than MedicOne, who submitted a proposal for the new base plus four option year contract will have to move to the area and set-up an infrastructure to support the contract. An openly competed contract will replace this bridge contract.
- d. Due to the anticipated lack of competition, only one source was reasonably available (MedicOne Medical Response), so, the acquisition is to be limited to a sole source in accordance with FAR 13.106-1(b)(2).

8. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.

9. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None.

10. **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 is a one-time requirement. Full and open competition has been used to obtain the services that will replace this bridge contract. The bridge contract is of short duration for providing interim services until that competed contract can be put into place.

11. **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.

Patrick A. Norris
Patrick Norris
Program Manager, HAS
Marion VA Medical Center

June 8, 2018
Date

12. **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.

Larry A BUELL
346126

Larry A Buell, CPPO

Digitally signed by Larry A
BUELL 346126
Date: 2018.06.08 15:01:47 -05'00'

06-08-2018

Date

Contracting Officer
Network Contracting Office (NCO) 15

- b. **Director of Contracting /Designee (Required \$150K and above): I certify the justification meets requirements for other than full and open competition.**

SCOTT R FISCUS 381888 Digitally signed by SCOTT R FISCUS 381888
Date: 2018.06.08 15:48:38 -05'00'

Scott R. Fiscus

Date

NCO 15 Director of Contracting or Designee

- 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 approve (\$700K to \$68 million) for other than full and open competition.

Randy L. Hays
534204 Digitally signed by Randy L. Hays
534204
Date: 2018.06.11 09:24:59 -07'00'

Randy L. Hays

Date

Acting Executive Director, SAO Central