

DEPARTMENT OF VETERANS AFFAIRS

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

Requirement Title: Ambulance Service for Cincinnati VAMC
Acquisition Plan (ID Number): VA250-18-AP-7449
VA-2237 (ID Number): 539-18-3-101-0074

1. Contracting Activity:

Network Contracting Office (NCO)
10 260 East University Avenue
Cincinnati, Ohio 45219-2637
(513) 559-3704
Station Code: 36C250

2. Nature and/or Description of the Action Being Processed: This is an emergency sole source bridge requirement for the immediate procurement of ambulance service for Cincinnati Veterans Administration Medical Center (CVAMC) that shall include both basic life support (BLS) and advanced life support (ALS). The justification cited by the incumbent contractor for being unable to provide continuation of on-going services under contract VA250-17-D-0116 are summarized as follows:

- *Bid was too low, financially unsustainable*
- *Run volume was lower than projected initially*
- *Run volume we were getting was inconsistent*
- *Near simultaneous runs; this consisted of 7-12 runs within 2 hours*
- *Simultaneous runs; 6 within 1 hour*
- *Run scheduling and coordination is poor at best coming out of the VA facility*
- *No sense of partnership working in conjunction with the Cincinnati VA*

The government fully anticipates the follow-on solicitation to this emergency sole source bridge action will result in a multi-year FFP IDIQ contract that will be competed and awarded in FY 2019.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for ambulance service for Cincinnati Veterans Administration Medical Center (CVAMC) 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: The contractor shall provide ambulance service for Cincinnati VAMC in the state of Ohio which shall include both basic life support (BLS) and advanced life support (ALS). This critical service involves transportation of veteran patients who require immediate or emergency medical treatment. Any lapse whatsoever in this critical service could result in serious risk to the life, health and safety of our veteran patients.

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Sole Source Justification Format >SAT

4. The anticipated period of performance for this emergency requirement to provide ambulance service for CVAMC is 22 May 2018 to 21 January 2019 at a total estimated cost of \$677,488.96 for the base period only (no options) for estimated quantities that are summarized as follows:
- Total Trips | One-Way (20 miles or less): 2,136 trips
 - Total Miles | One-Way Trip (20 miles or greater): 36,648 miles
 - Total Wait Time in 15-minute increments: 64 units
 - Total Trips | No Patient One-Way Trip: 32 trips

5. **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;
- (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;

FAR13.5 Simplified Procedures for Certain Commercial Items: The authority for applying the Simplified Procedures for Commercial Items under FAR 13.5 is 41 U.S.C. 1901 and is implemented for restricting competition on this procurement in accordance with FAR 13.106-1(b)(2).

6. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** This emergency requirement is being executed under the authority of FAR part 6.302-2 and 6.303-2(a)(9)(ii), Unusual and Compelling Urgency. This critical service involves transportation of veteran patients who require immediate or emergency medical treatment. Any lapse whatsoever in this critical service could result in serious risk to the life, health and safety of our veteran patients.
7. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** There were two (2) contractors determined to be readily capable of ramping up in less than 30 days to perform this short-notice requirement, Portsmouth Emergency Ambulance Service and First Care Ohio LLC. Portsmouth Emergency Ambulance Service is currently performing ambulance service for the Veterans Health Administration at Chillicothe VAMC and Columbus VAACC and First Care Ohio LLC had previously performed ambulance service for Cincinnati VAMC under contract VA250-13-C-0077 from 2013 to 2017.
8. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The Independent Government Cost Estimate (IGCE) for this requirement was based on the second lowest priced quotation submitted in response to competitive solicitation VA250-17-Q-0327 which resulted in the award of contract VA250-17-D-0116 to Ohio Medical Transport LLC. Ohio Medical Transport LLC submitted the lowest priced quotation in response to this solicitation, however they were financially unable to continue to provide service under contract VA250-17-D-0116 at the prices provided in their quotation as described above.

The IGCE for this requirement was determined to be fair and reasonable based on the aforementioned competitive quotation and validation that the pricing for this quotation was in alignment with the pricing of existing contracts for similar services in the state of Ohio that are performing successfully at VAMC Dayton, VAMC Chillicothe and VAACC Columbus. During negotiations for this emergency requirement, First Care Ohio LLC agreed to honor the unit pricing requested by the government which was based on the IGCE established for this requirement.

9. Description of the Market Research Conducted and the Results, or a Statement of the Reasons

Market Research Was Not Conducted: Market research was conducted for this emergency sole source bridge requirement to ensure that our veteran patients at Cincinnati VAMC continue to receive this critical service beyond 21 May 2018. The only two contractors currently capable of ramping up in less than 30 days to perform this short-notice requirement were Portsmouth Emergency Ambulance Service and First Care Ohio LLC. Portsmouth Emergency Ambulance Service is currently performing ambulance service for the Veterans Health Administration at Chillicothe VAMC and Columbus VAACC. Based on extensive discussions with both contractors about the requirement, Portsmouth Emergency Ambulance Service indicated that they do not currently have any sub-stations located in the Cincinnati metropolitan area which would limit their ability to effectively provide ambulance service for Cincinnati VAMC. First Care Ohio LLC, however, has previously performed ambulance service for Cincinnati VAMC under contract VA250-13-C-0077 from 2013 to 2017 and is based in the Cincinnati metropolitan area.

The Vendor Information Pages (VIP) database were reviewed in accordance with VAAR Class Deviation 810.001-70 to determine if two or more service-disabled veteran-owned businesses (SDVOSBs) and veteran-owned small businesses (VOSBs) for NAICS 621910 were listed as verified in the VIP database with Ohio Medical Transportation Board (OMTB) certification to perform services in the state of Ohio. The VIP database search confirmed that there is only one (1) SDVOSB in the state of Ohio for NAICS 621910 that holds Ohio Medical Transportation Board (OMTB) certification to perform ambulance service in this state.

10. Any Other Facts Supporting the Use of Other than Full and Open Competition: This is a critical service that involves transportation of veteran patients who require immediate or emergency medical treatment. Any lapse whatsoever in this critical service could result in serious risk to the life, health and safety of our veteran patients.

11. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: Based on the aforementioned market research, there were two (2) contractors sought for this emergency sole source bridge requirement that hold the Ohio Medical Transportation Board (OMTB) certification required to perform ambulance service for NAICS 621910 in the state of Ohio, Portsmouth Emergency Ambulance Service and First Care Ohio LLC. After extensive discussions with both contractors about the requirement, Portsmouth Emergency Ambulance Service indicated that they do not currently have any sub-stations located in the Cincinnati metropolitan area which would limit their ability to effectively provide ambulance service for Cincinnati VAMC. First Care Ohio LLC, however, has previously performed ambulance service for Cincinnati VAMC under contract VA250-13-C-0077 from 2013 to 2017 and is based in the Cincinnati metropolitan area.

12. 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 intends to compete the follow-on requirement as a small business set-aside based on the aforementioned market research which confirmed that only one (1) SDVOSB is certified in VIP for NAICS 621910 with Ohio Medical Transportation Board (OMTB) certification to perform BLS and ALS ambulance service in the state of Ohio.

13. 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.

REGINALD T. HAYES 357621
Digitally signed by REGINALD T. HAYES 357621
Date: 2018.05.18 16:17:27 -04'00'

Reginald Hayes
Mobility Manager
Cincinnati VAMC

18 May 2018

FRANK P. PENNIMPEDE 225375
Digitally signed by FRANK P. PENNIMPEDE 225375
Date: 2018.05.18 15:29:08 -04'00'

Frank P. Pennimpe
Chief, Patient Business Services
Cincinnati VAMC

18 May 2018

14. 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.

Bradley K. Burhite 1461180
Digitally signed by Bradley K. Burhite 1461180
Date: 2018.05.18 14:17:34 -04'00'

Bradley K. Burhite
Contracting Officer
NCO-10

18 May 2018

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

John M. Ryan 1006633
Digitally signed by John M. Ryan 1006633
Date: 2018.05.18 15:12:24 -04'00'

John M. Ryan
Contacting Officer
NCO-10

18 May 2018