

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA244-18-AP-6528

1. **Contracting Activity:** Department of Veterans Affairs, VISN 04, Lebanon VA Medical Center, Lebanon, PA, SAO East, Network Contracting Office 4 (NCO4), Clinical Support Services (Med 2).
2. **Nature and/or Description of the Action Being Processed:** The Lebanon VA Medical Center's (LVAMC) Surgery Care Line is requesting award of a firm fixed price contract with a period of performance of one year. Award is to be made on a sole source basis to, **Call Solutions, LLC**, 1999 Turnpike Road, Elizabethtown, PA 17022-9542. FAR13.5 Simplified Procedures for Certain Commercial Items: 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:** Said contract will provide *Urology Physician Services* to include on-call and call back services for afterhours coverage during weekdays when VA staff urologist physician/surgeon is not on call, and 24 hour on-call coverage for all but one weekend per month and all Federal Holidays. Contract will also provide for Monday through Friday and/or Saturday clinics, in order to maintain acceptable access to urology care for Veterans when the VA staff urologist is unavailable due to leave. Call back and clinic services will allow for provision of surgical care when medically indicated. All physicians rendering services must be licensed and board certified. Total estimated value is \$420,000.00. Applicable NAICS and PSC codes are 621111 Offices of Physicians, and Q525 Urology. Anticipated period of performance is 08/01/2018 through 07/31/2019. Specific contract line items and estimated prices are as follows:

CLIN 0001 – Outpatient Clinic Services for Medical Urology, Outpatient Clinic Services for Surgical Urology, Inpatient Urology Consultations for Medical Care and/or Surgical Procedures. Tour of duty, 8:00 AM to 4:30 PM. 25 days @ \$1,600.00 = \$40,000.00.

CLIN 0002 – Weekday On-Call. Tour of duty, 4:30 PM to 8:00 AM, Monday through Friday. 200 days @ \$1,000.00 = \$200,000.00.

CLIN 0003 – Weekend & Holiday Call. Tour of duty, 12:00 AM through 11:59 PM, (24 hours), Saturday, Sunday, and Holidays. 104 days @ \$1,500.00 = \$156,000.00.

CLIN 0004 – Call back tasks to include clinical consultation and surgery if medically indicated. Each call back task is equivalent four hours of services. 30 tasks @ \$800.00 = \$24,000.00.

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

Unusual and Compelling Urgency per FAR 6.302-2;

**FAR13.5 Simplified Procedures for Certain Commercial Items:** *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):** Call Solutions, LLC is the only responsible source capable of fulfilling the immediate needs of the LVAMC. The urologist physicians employed by this contractor are the *only* non VA urologists with current credentials and full privileges at the LVAMC, and therefore are the only urologists capable of rendering immediate care, in an on-call, call back, clinic, or surgical capacity. Attempting a competitive procurement would cause unacceptable delays as the solicitation, evaluation, award, and credentialing and privileging process for physicians can regularly take 90 days or more. Urology is a highly specialized surgical practice. Full surgical privileges are not generally granted to a physician until they are properly observed and reviewed performing surgery in the facility. Accordingly, Call Solutions, LLC is the only firm capable of providing the required services described above without the Veterans served by the LVAMC experiencing unacceptable delays in receiving vital care. Presently, the LVAMC only employs one staff urologist, who due to running a regular clinic and surgical schedule can only perform very limited on-call and call back coverage. Due to these circumstances, clinic access times are occasionally decreased and Veterans in need of urology care during evening/off hours and weekends need to be transferred to another community facility. This delay in care can only be immediately cured by Call Solutions, LLC. Note also that all physicians live and work within one hour drive of the LVAMC.
- 6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** An unrestricted open market competitive procurement effort is currently underway via RFQ 36C244-18-Q-9334 was issued 07/03/2018 and closed 07/16/2018. Evaluation of offers is currently underway, award, background check, and credentialing of physicians can take up to an additional 90 days. The referenced RFQ is the third attempt to competitively award a contract for urologist physicians and thereafter have them render services. This sole source contract allows for immediate provision of care while a determination is made as to whether this latest procurement will successfully result in the rendering of services; if this latest procurement effort is unsuccessful, this sole source contract will allow for the sustainment of services while a competitive procurement is once again pursued.
- 7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated costs under this contemplated contract are expected to be determined fair and reasonable. Hourly basis rates for services range from \$62.50 to 64.50 for on-call, and \$200.00 for call back and regular clinical and surgical time. These prices compare favorably with established rates under the VA's FSS 621 I contracts for urologist services under SIN 621-022 which can range from \$178.95 to \$335.36 per hour for on-call, call back, and clinical and surgical time. Under an FSS arrangement on-call rates are typically equal to regular hourly rates. Under the contemplated contract, the VA can expect to pay prices that are less than the comparable FSS rates for on-call services and about equal to less than the comparable FSS rates for call back, clinical and surgical services. FSS rates have already been determined to be fair and reasonable by a VA

contracting officer. Basis rates that compare favorably to FSS can be determined 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:** As described in section six above, 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 sources sought notice; with draft performance work statement was posted to fbo.gov under 36C244-18-Q-9253 on 06/12/2018 and subsequently closed on 06/18/2018. Four responses in all were received as follows:

- Anyar, Inc, Women Owned Small Business
- BTL Technologies, Inc, SDVOSB
- Call Solutions, LLC, Women Owned Small Business
- Tenosar Corporation, SDVOSB

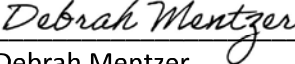
After a review of their respective capabilities, it was found that only Call Solutions is capable of rendering immediate care due to their physician's full existing privileges at LVAMC.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** N/A

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Anyar, Inc, BTL Technologies, Inc, Call Solutions, LLC, and Tenosar Corporation.

**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 unrestricted open market competitive procurement effort is currently underway via RFQ 36C244-18-Q-9334. No additional actions are planned at this time. If per chance the current competitive procurement is unsuccessful in providing services, a new competitive procurement will likely be pursued, unless hiring of staff is accomplished.

**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.

  
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Debrah Mentzer  
Business Manager  
Surgery Care Line, Lebanon VA Medical Center

717-272-6621/5860  
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.

Matthew D  
Parlett 360547

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Matthew D. Parlett  
Contracting Officer  
NCO4, Clinical Support Services (Med 2)

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Parlett 360547  
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07/25/2018

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Date

- 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.

NANCY L. PORTER  
128170

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PORTER 128170  
Date: 2018.07.25 15:57:40 -04'00'

07/25/2018

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Nancy L. Porter  
Branch Chief  
NCO4, Clinical Support Services (Med 2)

Date