

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA261-18-AP-4725

PR-IFCAP: 593-18-2-475-0014

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, Network Contracting Office (NCO) 21 for the VA Southern Nevada Health Care System.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for Emergency Department Physician Services for the VA Southern Nevada Health Care System. The VA intends to negotiate a new short-term fixed price contract with Eskridge Enterprises LLC, DUNS 188068469, a certified Service Disabled Veteran Owned Small Business while a long-term contract action is conducted.

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 VA Southern Nevada Health Care System requires Board Certified/Board Eligible Emergency Department Physician Services on site for the beneficiaries of the Department of Veterans Affairs (VA) and the VA Southern Nevada Healthcare System. The Emergency Department is open twenty four hours a day, 365 days per year. Services must meet or exceed the American College of Emergency Physician Guidelines <http://www.ACEP.org/>. The Contractor shall cover 70% of the contracted shifts with Emergency Medicine board certified/board eligible physicians. The remaining 30% of the contracted shifts may be covered by Internal Medicine or Family Practice board certified/board eligible physicians with the requisite experience per this performance work statement.

The estimated value for six-months (10/1/2018 – 3/31/2019) is \$1,058,805, however 52.217-8 Option to Extend Services will be included and if fully exercised could bring the total value up to \$2,117,610.00.

4. **Statutory Authority Permitting Other than Full and Open Competition:** 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):** Eskridge Enterprises LLC, was awarded an FSS BPA (VA262-15-A-0062) on 03/19/2015 and is currently providing ED Physician Staffing for the VA Southern Nevada Healthcare System. This FSS BPA is expired and the final order placed against it will expire on September 30, 2018.

Eskridge is the only contractor with ED Physicians who have been credentialed and can continue to provide the service on an uninterrupted basis to provide these services thereby preventing a lapse of this critical service for the VA Southern Nevada while a long-term competitive contract action can be pursued.

- 6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A long-term procurement is in process and the intended duration of this bridge contract is what is minimally necessary to establish a new contract.

Sources Sought Synopsis: A sources sought was posted to the Government Point of Entry (fbo.gov) from August 10, 2018 – August 16, 2018 seeking interested and capable contractor’s response for providing ED Physicians. Fifteen open market responses were received, see paragraph 10; these responses will be used to formulate the appropriate set-aside when soliciting for the long term competitive contract.

- 7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The cost will be considered fair and reasonable in accordance with FAR 13.106-3(a)(2). The Government has ample pricing information available to it, including previous contracts, current Federal Supply Schedule contracts, and local physician salary information to ensure the price paid will 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:** Market research has been concuted by the contract specialist in accordance with FAR Part 10 and is included in the contract file. In addition to the sources sought, additional market research efforts included:

- a. Attempts to locate ED Physicians with web-based search of vip.vetbiz.gov, fbo.gov, fpds.gov and gsa.gov.
- b. Research on industry standards for locum tenens physicians as independent cotractors and the impact that has on the limitations of subcontracting.
- c. Market research conducted on previous procurements and similar ongoing procurements within the VISN.

- 9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** Emergency physicians typically serve patients with critical conditions and provide medical treatment to patients requiring acute and life-saving care. Their job is to stabilize patients for referral to the appropriate department for further evaluation. Emergency physicians are important decision makers for roughly half of hospital admissions.

As stated in previous sections, the Network Contracting Office is working on the long term contract. A short term contract is required in the interim to prevent a lapse of these critical services in the emergency department at the VA Southern Nevada Healthcare System.

- 10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

| | Contractor Name | DUNS |
|---|---|-----------|
| 1 | America First Staffing, LLC | 080778964 |
| 2 | American Native Contract Specialist LLC | 081240572 |
| 3 | Ansible Government Solutions LLC | 079602477 |

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|----|-------------------------------|-----------|
| 4 | A-Team Solutions LLC | 149395936 |
| 5 | Best Medical Staffing LLC | 080263327 |
| 6 | Consilium Staffing | 40321854 |
| 7 | Eskridge & Associates | 188068469 |
| 8 | InSync Consulting | 079192664 |
| 9 | it&e International Group Inc. | 80221938 |
| 10 | Maxim Healthcare Services | 606290401 |
| 11 | One Stop Recruiting | 079420979 |
| 12 | Sygnetics, Inc | 156525693 |
| 13 | Tenosar Team | 078624882 |
| 14 | Top Docs, Inc. | 093685829 |
| 15 | Wapiti Medical Corporation | 78609342 |

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 Network Contracting Office is currently working through the necessary pre-solicitation phase to conduct a long-term competitive acquisition estimated to be awarded no later than April 1, 2019.

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.

 Shellie Manzanares
 Administrative Officer
 VA Southern Nevada Health Care System

 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.

 Tracy Worrell
 Contracting Officer
 Network Contracting Office (NCO) 21

 Date

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- 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.

Brooke C. Robison
Director of Contracting,
Network Contracting Office (NCO) 21

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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.

Curtis M. Jordan
Acting Executive Director, SAO West
Head of Contracting Activity (HCA)

Date