

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID:36C248-19-AP-6045

1. **Contracting Activity:** Department of Veterans Affairs, Veterans Integrated Service Network 8 (VISN 08), Network Contracting Office 8 (NCO 8).
2. **Nature and/or Description of the Action Being Processed:** NCO 8 proposes to negotiate a Fixed-Price Requirements contract for a period of five (5) months, utilizing Other Full and Open Competition procedures in accordance with VA Directive 1663, 38 USC 8153, for Community Based Outpatient Clinic (CBOC) services. The period of performance for this short-term contract will be from October 1, 2019 through February 29, 2020. To avoid a disruption in direct patient care, NCO 8 intends to award a contract on a sole source basis to MedMark Veteran Services LLC, 401 E. Corporate Drive, Suite 220, Lewisville, TX 7507.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The West Palm Beach Veterans Affairs Medical Center (WPBVAMC) located at 7305 N. Military Trail, West Palm Beach, FL 33410 requires CBOC services in support of eligible beneficiaries of the facility. The Medical Administration Department at the West Palm Beach Veterans Affairs Medical Center (WPBVAMC) has a requirement for a short-term contract for continuation of professional medical services which will facilitate transition (i.e. background investigations, training, credentialing, etc.) and completion of contract award for the required service. The Contractor shall provide six (6) CBOCS at the following locations: Delray Beach, FL; Boca Rotan, FL; Ft. Pierce, FL; Stuart, FL; Vero Beach, FL; and Okeechobee, FL. The contractor shall provide all labor, supervision, materials and services necessary to provide a full range of primary care and mental health services which includes professional, administrative and clinic space for six (6) CBOC locations. The Contractor shall be responsible for providing professional staff, diagnostic testing, treatment and referral arrangements required for continuity of care at each facility. Services shall be provided in accordance with Veterans Affairs (VA), WPBVAMC, and Joint Commission (TJC) guidelines. Services are currently being performed under contract 36C24819D0119, which expires on September 30, 2019. The estimated award date of the short-term contract is September 26, 2019. The estimated value for the procurement is [REDACTED] Approved purchase (2237) number 548-20-1-717-0001, in the amount of [REDACTED] applies to this procurement. The Medical Administration Department at the West Palm Beach Veterans Affairs Medical Center (WPBVAMC) has a requirement for a short-term contract for continuation of professional medical services which will facilitate transition (i.e. background investigations, training, credentialing, etc.) and completion of contract award for the required service.
4. **Statutory Authority Permitting Other than Full and Open Competition:**

(X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** MedMark Veteran Services LLC presently provides the required services under expiring contract 36C24819D0119 and has the


necessary personnel with approved credentialing, privileges and background investigations. The estimated time required for initiation and completion of background investigations, mandatory training and credentialing for contract physicians and mobilization of necessary personnel and staff requires approximately 120 days. This would create a disruption in receipt of these critical services and cause mission degradation. MedMark Veteran Services LLC has the capability to continue services without interruption or cessation of healthcare which is critical to meeting the needs of eligible beneficiaries of the WPBVAMC. There are no known Contractor's with available professional and administrative staff that possess approved credentials and background investigations or the capability to obtain them within this short timeframe.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Solicitation VA248-17-R-0975 was issued under full and open competitive procedures and posted to FBO on December 4, 2017 in accordance with VAAR 873-104(c) and 873-108(a). The solicitation was issued to obtain the services identified herein for a base period of 12 months to include four (4) one-year option periods. Efforts to finalize and complete the award became hampered and an interim award accomplished to insure no disruption to services. It is unlikely that any potential contractor's will have the necessary space, staffing, operational components, equipment and a fully functional medical records system capable of interfacing with the VA's system in time to begin performance of service by October 1, 2019 without disruption of services. A notice of intent to sole source was posted to FedBizOpps (FBO) on September 19, 2019 notifying the public of the Government's intent to award this interim contract under other than full and open competition procedures to MedMark Veteran Services LLC. Solicitation number VA248-17-R-0975 was posted to FBO on December 4, 2017 using full and open competition procedures.
7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer (CO) will determine price reasonableness accordance with Veterans Affairs Acquisition Regulation (VAAR) 873.111 (e) (ii), Alternative Negotiation Techniques. Reference attachment one (1) for the supporting documentation to validate price reasonableness which is considered procurement sensitive information. This procurement does not require certified cost or pricing data, technical evaluations and/or audits. However, other than certified cost or pricing data will be requested should the CO determine the proposed price to be unreasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A request for information (RFI) was issued to FBO on March 8, 2017 to determine if there were two (2) or more Service Disabled Veteran Owned Small Businesses (SDVOSB) or Veteran Owned Small Businesses (VOSB) that were competitive in terms of technical capability, market price and delivery or the viability for a small business set-aside, the RFI yielded responses from more than eleven (11) businesses and ten (10) businesses attended the industry day. Market research revealed that there was not a reasonable expectation of receiving proposals from two (2) or more SDVOSBs, VOSBs or small businesses that could provide the service. 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. Current market research conducted on the Vendor Information Pages, GSA-Elibrary, contract directory and Google search engine yielded the same results. Although there are businesses capable of providing the service, the complex requirements of the PWS and contract start up requirements which cannot be deferred or waived would be cost and time prohibitive for the limited duration of this short-term contract.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The WPBVAMC is not equipped to provide the service; however, the service is critical to the mission. Solicitation VA248-17-R-0975 was issued December 4, 2017 with a closing date of February 7, 2018. The

procurement is currently in the source selection phase and award is not expected to be made on/before September 30, 2019. Upon award of the new contract, the contractor is allowed 120 days start-up time from the date of contract award. Approval of this justification is necessary to ensure healthcare services are not discontinued or interrupted pending contract award. Additionally, award to another source would result in duplication of costs that the Government does not expect to recover through competition.

- 10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** There were no sources that expressed interest in providing services for this short term effort.

- 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:** There are no other viable options for removing existing barriers to competition for this acquisition. The WPBVAMC is not equipped with the staff, equipment, supplies and space to provide this service. The process for onboarding new staff takes approximately six (6) weeks.

- 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 in  and complete to the best of my knowledge and belief.

9/25/19
Date

13. **Approvals in accordance with the VHAPM Part 806.3 OFOC SOP:**

a. Prepared By:

SHAUNDRICA M. CLOSE 226288
Digitally signed by SHAUNDRICA M. CLOSE 226288
Date: 2019.09.25 14:34:50 -04'00'

Shaundrica M. Close
Contract Specialist
Orlando VAMC

9/25/2019

Date

b. **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.

RODNEY F. CASSIDY 293213
Digitally signed by RODNEY F. CASSIDY 293213
Date: 2019.09.25 14:41:41 -04'00'

Rodney Cassidy
Contracting Officer
James A. Haley VAMC

9/25/2019

Date

- c. 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.

[Redacted Signature]

9/25/2019

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

[Redacted Signature]

Date

[Redacted Signature]