

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 17, North Texas Veterans Health Care System (NTVHCS), Dallas, TX. Purchase Request 549-13-4-176-0135.
2. **Nature and/or Description of the Action Being Processed:** The North Texas Veterans Health Care System (NTVHCS) currently has a contract with Humana Healthcare, Inc. for the Sherman, Texas Community Based Outpatient Clinic (CBOC) that expires on June 30, 2013. At this time the North Texas Veterans Health Care System (NTVHCS) is in the acquisition planning approval phase for a one base year and four option year contract to replace the current Sherman, TX CBOC contract. At this time the acquisition plan review and subsequent solicitation review that requires a Contract Review Board (which the Medical Sharing Office serves as) will not be completed in time to award this long term contract by the end date of the current contract. All allowable contract extensions under 38 USC 8153 have been exhausted. To avoid a break in services to veteran patients, NTVHCS is requesting a continuation of current services contract, pursuant to FAR 6.302-1(a)(2)(iii), Unusual and Compelling Urgency, with the incumbent contractor from July 1, 2013 to August 31, 2013 (The contract will include the extension of services clause to provide for additional days if the replacement contract is yet not awarded). The expected time frame for the full acquisition lifecycle – planning through award – is approximately eighteen months according to the Medical Sharing Office (MSO). The NTVHCS and NCO 17 are working together to have a permanent long term contract in place sooner than the MSO timeframe. The following acquisition of emergency community based outpatient clinic services will substantially decrease the amount of veteran patient service interruption and will bridge the current operations until the long term award is made (projected date of award is January 1, 2014).
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Department of Veterans Affairs Medical Center has a continuing need for a community outpatient clinic located in Sherman, Texas. This clinic provides primary care and space for NTVHCS mental health service staff and telemental health and teleretinal health staff and space for the staff to treat enrolled veteran beneficiaries. The NTVHCS currently provides Community Based Outpatient Care and Space for Mental Health Services to approximately 3,675 veteran patients. The current contractor is Humana Healthcare, Inc. This clinic functions as an extension of the NTVHCS Medical Center located in Dallas, Texas. In that function, it is critical outreach provider of health care to the veteran population that cannot routinely travel to the Dallas location. The total estimated value of the acquisition for the performance period of July 1, 2013 through August 31, 2013 is \$372,516.00.
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;
 - (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;

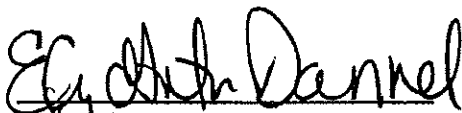
() (6) National Security per FAR 6.302-6;

() (7) Public Interest per FAR 6.302-7;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The current contract with Humana Healthcare, Inc. has provided health care services on behalf of the NTVHCS for five (5) years plus a six (6) month extension. At this time, the NTVHCS is in the acquisition planning and pre-solicitation phase of a long-term contract for this service and it has been determined that there will not be adequate time to complete the procurement prior to the expiration date of the current contract. The existing contract cannot be extended any further and all allowable extensions under 38 USC 8153 have been exhausted. A change of vendor would cause a dire break in the services provided to this area's veteran population. This would cause veterans that use these services to seek them elsewhere or at worse to not seek health care at all due to traveling restrictions to some of our veteran population. During the current performance period there have been no service interruptions that have resulted in diminished services or access to our veterans. Outpatient services are critical to the mission of the VA Medical Center and in the diagnosis and treatment of veteran patients. It is therefore necessary to provide continuous services from the incumbent contractor while a new contract is awarded. The Contracting Officer is pursuing a long-term contract, now in the acquisition planning and pre-solicitation phase, for CBOC services to include a base period of one year and 4 one year option periods. The short timeline between the expiration of the initial contract and the award of the long-term contract would cause a break in the services due to the time for the solicitation and award phase of the long-term contract. For this reason, it is highly advantageous to the agency to continue the present services uninterrupted with Humana Healthcare, Inc. Humana Healthcare, Inc. presently has the required stations and VPN access on location, the required VA credentials, experience and is immediately available to provide the required health care services to our veteran patients. Failure to award this contract in order to provide the needed health care services at the Sherman, TX area would affect the lives and safety of 3,675 veteran patients. This would affect the VA's mission of providing exceptional healthcare to veteran patients.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This requirement will not be synopsisized in accordance with FAR 5.202(a)(2). Pursuant to FAR 6.302-1(a)(2)(iii), this requirement is available only from the incumbent contractor for service described above. Award to any other source would result in substantial break in direct patient care to the Veteran population throughout the Sherman, Texas area. A competitive solicitation is ongoing with an anticipated award date of 01/01/2014 based upon established milestones. This emergency contract will bridge the current operations until the long term award is made. A recent search of SAMS.gov database was conducted along with GSA e-library database. As a result of the search, it was identified that no other potential sources were capable of providing our immediate and compelling needs at this current time.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer determines that the anticipated cost to the Government will be fair and reasonable because the cost will be congruent with the previous contract; in which the price was deemed to be fair from full and open competition and a price analysis.
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 6 above, market research, in accordance with FAR Part 10, was conducted and limited to an examination of the acquisition history and experience with the marketplace under previous acquisition for the same or similar items within the remote area of Sherman, Texas. A recent search of the SAMS database was conducted along with the GSA e-library database. As a result of the search, it was identified that no

other potential sources were capable of providing our immediate and compelling needs at this current time.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** A new contractor for this continuation of services contract is not practical as 90 days of this period would result in a break in service to the Veterans.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** As of the date of this J&A, no other sources have expressed in writing their interest in this acquisition.
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:** A current solicitation IAW 38 USC 8153 is ongoing with an anticipated award date of 01/01/2014 based upon established milestones (see milestone plan below). This emergency contract will bridge the current operations until the long term award is made.
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.



Elizabeth Dannel
CBOC Program Manager
North Texas Veteran Health Care System



Date

13. **Approvals:**

- a. **Contracting Officer's Certification (required):** I certify that the justification meets requirements for other than full and open competition. I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.




Jennifer L. Salerno-Dicluccio
Contracting Officer
Network Contracting Office NCO 17




Date

- b. **FIRST SUPERVISOR:** I certify that the justification meets requirements for other than full and open competition. I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


Mary B. Accomando
Medical Services Product Line Manager
Network Contracting Office NCO 17

6/11/2013
Date

- c. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.


Calvin Q. Ma
Acting Network Contract Manager
Network Contracting Office 17

6/11/2013
Date