

CLASS JUSTIFICATION AND APPROVAL FOR
OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity.

Naval Medical Logistics Command (NMLC), Acquisitions Management Directorate, Code 05, 693 Neiman Street, Fort Detrick, Maryland 21702, acquiring on behalf of Naval Medical Center San Diego, CA.

2. Description of the Action Being Approved.

The government intends to award two firm-fixed price bridge contracts for intraoperative neuromonitoring services on a sole source basis to Neurophysiology, Inc. and Neurodynamics Inc.

3. Description of supplies/services.

The medical treatment facilities (MTF) identified in paragraph 1 above has a continuing need for intraoperative neuromonitoring services. These services require for surgical cases requiring live intraoperative neurophysiologic monitoring, auditory brainstem response, visual evoked response (VER), somatosensory evoked potential (Sep or SSEP), electroencephalography (EEG), electromyography (EMG), and nerve conduction studies. The bridge contracts will have a nine-month period of performance to provide services from 01 June 2015 through 29 February 2016. The requirements are not forward funded; therefore, each will have a base period of performance for four months (01 June 2015 through 30 September 2015) and an five month option period (01 October 2015 through 29 February 2016). The total value for both contracts, including the option period, is estimated to be \$177,470.00 Fiscal Year 15 and 16 Defense Health Program funding will be utilized for this acquisition.

4. Statutory Authority Permitting Other Than Full and Open Competition.

10 U.S.C. 2304(c)(2): Unusual and compelling urgency and FAR 13.106

5. Demonstration of the Contractor's Unique Qualification or the Nature of the Acquisition.

Contract VA262-P-0914 with Neurodynamics Inc and Contract VA262-P-0915 with Neurophysiology, Inc. both include four one-year option periods to extend service through 31 May 2015. The previous contracts were procured by the Department of Veterans Affairs (DVA). The MTF requested that NMLC procure the new contract citing administrative difficulty using the DVA contracts. The DVA is unwilling to bridge the existing contracts to allow for continued service while a new contract is put into place. Although a new contract is in the procurement process, the requirements development was not completed until early April 2015, and the new competitive acquisition has a procurement action lead time (PALT) of 258 days. Bridge contracts are needed to allow for the continuation of intraoperative neuromonitoring services until the government is able to award and complete the onboarding process for a new contract. The MTF supported by the intraoperative neuromonitoring contracts, would be adversely affected if there were a lapse in service as they are incapable of providing the service. The MTF does not have the required personnel or equipment to provide intraoperative neuromonitoring services. Without these services, access to care would be delayed for those DoD beneficiaries receiving care under the current contracts. Intraoperative neuromonitoring is used during surgery to provide real time feedback to the surgeon regarding electrophysiologic signals that impact the nervous system. Neuromonitoring is vital during surgery to reduce the risk of injury to a patient, including nerve damage and paralysis. Without these contracts in place, cases in multiple subspecialties would have to be cancelled or delayed, which can result in increased morbidity or mortality. As a result, it is imperative that bridge contracts be awarded as soon as possible to ensure there is no lapse in service which would have a direct and negative impact on the beneficiaries as well as result in a greater cost to the Government.

Intraoperative Neuromonitoring Bridge Contracts

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable.

A notice of intent to sole source the proposed contracts was not published on the FedBizOpps website. Per FAR 5.202(a)(2), a synopsis is not required when the contract action is justified by unusual and compelling urgency.

Additionally, due to the process associated with obtaining clinical privileges and security clearances, which are required in order to be able to perform the nature of services required by the contract, any contractor who does not already have approved providers would be unable to provide the required services. Any other contractor or contractor company would not be able to recruit, submit employee packages, obtain credentialing and have staff in place in order to avoid a lapse in service.

7. Determination of Fair and Reasonable Cost.

The prices for the services currently being provided were previously determined fair and reasonable at the time of award. It is anticipated that the contractors will agree to keep their pricing the same for the bridge contracts. In the event a contractor would not agree to keep their pricing the same, the contracting officer will utilize the Employment Cost Index issued by the Bureau of Labor Statistics to determine a fair and reasonable price for these services.

8. Description of Market Research Conducted or Statement of the Reason Market Research Was Not Conducted.

Market research was not conducted due to the nature of the acquisition. As indicated above, there are no other contractors with providers that are privileged and have the security clearances necessary to provide the necessary services at the MTF.

9. Any Other Facts Supporting the Use of Other Than Full and Open Competition.

None.

10. A listing of the Sources, if any, that Expressed an Interest in the Acquisition.

None.

11. Actions to Remove Barriers to Future Competition.

The Government is currently in the process of working on a long-term contract to provide intraoperative neuromonitoring for the MTF. The requirements package has been prepared and the pre-solicitation documents are being developed. Awarding a one-year bridge takes into consideration the potential for a lengthy solicitation process and allows additional start-up time for the new contract. As a result, there do not appear to be any barriers to future competition as the required services will be competed prior to award of a new contract.

12. CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

[REDACTED]

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

[REDACTED]

CONTRACTING OFFICER CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief.

[REDACTED]

CONTRACTING ACTIVITY COMPETITION ADVOCATE REVIEW

N/A

[REDACTED]

APPROVAL

Upon the basis of the above justification, I hereby approve, as Head of the Procuring Activity, the solicitation of the proposed procurement(s) described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(1).

N/A

[REDACTED]