U.S. Department of Justice

Federal Bureau of Prisons

Office of the Procurement Executive

Washington, D.C. 20534

October 7, 2024

MEMORANDUM FOR RANDALL C. BURLESON, CPCM
SENIOR DEPUTY ASSISTANT DIRECTOR FOR
ADMINISTRATION / PROCUREMENT EXECUTIVE
COMPETITION ADVOCATE

KRISTINA SULLIVAN Digitally signed by KRISTINA SULLIVAN
Date: 2024.10.07 09:48:19 -04'00'

FROM: Kristina Sullivan, Chief
Procurement Operations Branch

SUBJECT: Justification Routing for Review and Approval

Attached for your review and approval is a Justification for Other than Full and Open Competition for the procurement of Comprehensive Medical Services for the Federal Correctional Institution Edgefield located in Edgefield, South Carolina for the period of November 1, 2024, through September 30, 2025. The overall estimated value for this service is not expected to exceed $2,036,854.70

Note from Comprehensive Medical Contracting Section Chief:
The JOFOC is needed for the continuation of services while FAO is working on awarding a new contract. Currently, the CO is reviewing the RCA and identifying needed corrections. Once revisions are completed, the contracting officer anticipates award of the new contract within the 365-day lead time.

If you have any questions, please let me know.

Justification for Other than Full and Open Competition (JOFOC)
FCI Edgefield

Pursuant to the Federal Acquisition Regulations (FAR) Subpart 6.302-1(a)(2), and the Bureau of Prisons Acquisition Policy (BPAP) 6.304(c), the Federal Bureau of Prisons (BOP) has determined the procurement of comprehensive medical services (CMS) for the Federal Correctional Institution (FCI), hereinafter referred to as "institution", located in Edgefield, South Carolina, meets the criteria established for other than full and open competition. It is further determined that only one responsible source is capable of providing services to the institution, and that such an award would prevent serious injury, financial, or other liabilities to the Government. This limitation on competition is justified as supported by the following information:

1. **Identification of the agency and the contracting activity, and specific identification of the document as a "Justification for other than full and open competition."**

   Department of Justice
   Federal Bureau of Prisons
   FCI Edgefield
   501 Gary Hill Rd.
   Edgefield, South Carolina 29824

2. **Nature and/or description of the action being approved.**

   This action to be approved is for the acquisition and continuation of community and institution based comprehensive medical services with "NaphCare, Inc." (NaphCare). NaphCare is the incumbent and has agreed to honor their previous Medicare benchmark rates for CMS via monthly Firm Fixed Unit Pricing purchase orders until a new CMS contract can be awarded. This interim action will provide the institution the required and necessary acquisition of medical services for the adults in custody (AIC) population. The proposed period of performance will be from November 01, 2024, through September 30, 2025.

   The pending award of the new contract will be an indefinite delivery/requirements type contract with Firm Fixed Unit Pricing. The requirement will be publicized through the Governmentwide point of entry.

3. **A description of the supplies or services required to meet the agency's needs.**

   As part of the mission of the institution, comprehensive medical services are provided to the AIC population. In meeting the healthcare needs of the AIC population, the BOP provides essential medical, dental, and mental health services to Federal AICs. When a medical need arises that cannot be provided by the institution medical staff, referrals are made to community-based medical providers. These services include Inpatient/Outpatient Facility and Physician services, as well as Orthopedic Surgeon, Dermatologist, Dietician, Nephrologist, Urologist, Physical Therapist, General Surgeon, ENT, X-ray technician, Cardiologist, Psychiatrist, and Infectious Disease Specialist.

The services will be procured by purchase orders. The proposed performance period will be from November 01, 2024, through September 30, 2025, with an estimated total cost of $2,036,854.70.

4. **An identification of the statutory authority permitting other than full and open competition.**

The statutory authority permitting other than full and open competition is 41 U.S.C. 3304(a)(1) as implemented by FAR 6.302-1, Only One Responsible Source. Specifically, FAR 6.302-1(a)(2) provides for the applicability of this authority in situations "when the supplies or services required by the agency are available from only one responsible source."

5. **A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.**

A Request for Contract Action packet for CMS at the institution has been provided to the Field Acquisition Office (FAO). FAO is currently working towards award of a competitive acquisition. In the interim, the institution must continue to offer medical services to the AIC population. NaphCare has been the incumbent contractor for over five years and continues to provide the necessary medical services through their established network of local medical facilities and physicians. Additionally, NaphCare also continues to provide various onsite outpatient institution services to meet the Government's needs. All provider credentialing and background clearances have been completed.

The immediate availability of community-based health care services is critical to avoid any disruption in obtaining the necessary medical services and to ensure the orderly operation of the institution. In an effort to maintain continuity of care, the Government has determined that it is in the best interest to continue to utilize NaphCare, who can provide the required medical services without delay. Their established medical network ensures the institution's medical needs are fulfilled.

Therefore, to maintain continuity of medical care for the diverse AIC population, continuing services with NaphCare and their network of medical service providers alleviates delay and disruption of the overall mission of basic and emergent medical care. Any delay would lead to serious injury to the Government, as it would greatly impact our medical mission, patient care and would cause operational disruptions to the AICs.

6. **A description of efforts made to ensure that offers are solicited from as many potential sources as practicable, including whether a notice was or will be publicized as required by subpart 5.2 and if not, which exception under 5.202 applies.**

The requirement will be publicized through the Governmentwide point of entry.

7. **A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.**

NaphCare has agreed to continue providing services via purchase orders, at the same rates of option year four defined in contract DJBP0303BPA17002. These rates were awarded under a competitive acquisition and were determined to be fair and reasonable in accordance with FAR 15.404-1(b)(2)(i). The Contracting Officer (CO) has analyzed the current market trend by comparing the option year four rates at the institution against the rates of recently awarded contracts for similar services. Both the option year four rates and the rates of the recently awarded contracts have been determined to be fair and reasonable. It is in the best interest of the Government to continue services with NaphCare during this interim period until a new competitive contract can be awarded.

8. **A description of the market research conducted and the results or a statement of the reason market research was not conducted.**

This CO has conducted market research appropriate to the circumstances and legitimate needs have been identified. Information specific to the services being acquired has been thoroughly documented above. I have determined services of a type customarily available in the commercial marketplace are obtainable. The services under this contract are vital to the Government and must be continued without interruption. A review of the results of recent market research undertaken to meet similar requirements has identified multiple vendors which are capable of meeting the needs of the Government. However, it has been determined only one source is currently available to provide immediate services to maintain continuity of care while a competitive acquisition is being processed. NaphCare, as the incumbent provider, is able and willing to continue services with no lapse in coverage until a new contract is awarded.

9. **Any other facts supporting the use of other than full and open competition.**

There are no other supporting facts identified.

10. **A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.**

There are no other sources available that would be able to provide the services in the immediate timeframe required by the Government.

11. **A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.**

The acquisition of these services is necessary pending the award of a CMS contract. The requirement is being competed by the FAO. As supported in this document, our experience indicates that a single source provider for CMS is beneficial to the agency and the AIC population we service. Once the new contract is competitively awarded, further justification for other than full and open competition will not be necessary.

12. Contracting officer certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.

In accordance with FAR 6.303-2(b)(12), I hereby certify that this justification is accurate and complete to the best of my knowledge and belief. I further certify in accordance with BPAP 6.301, to the best of my knowledge and belief that this request is not the result of a lack of acquisition planning, or a desire to expend funds while those funds are still available.

Submitted by:

9/17/2024

Sammie Rhodes, Contracting Specialist — Date
FCI Edgefield, SC

I certify that the supporting data provided by the technical and requirements personnel which forms the basis for this justification is complete and accurate to the best of my knowledge and belief.

9/19/24

K. Lemos, Associate Warden — Date
FCI Edgefield, SC

Concurrence:

9/20/24

S. Napier, Warden — Date
FCI Edgefield

JARED HAMBLIN Digitally signed by JARED HAMBLIN Date: 2024.10.01 12:52:40 -05'00'

Jared Hamblin, Section Chief, CMCS — Date
Field Acquisition Office

KATHY COLE Digitally signed by KATHY COLE Date: 2024.10.02 22:36:19 -05'00'

Kathy Cole, Chief — Date
Field Acquisition Office

Approved:

RANDALL BURLESON Digitally signed by RANDALL BURLESON Date: 2024.10.29 07:41:30 -04'00'

Randall C. Burleson, CPCM — Date
Senior Deputy Assistant Director/Procurement Executive
for Administration Division/Competition Advocate