

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
Comprehensive Medical Services

Pursuant to the Federal Acquisition Regulation (FAR) 6.302-2(a)(2) and Federal Bureau of Prisons Acquisition Policy (BPAP) 6.304(b), the Federal Bureau of Prisons (BOP) has determined that the procurement of comprehensive medical services for the Federal Correctional Institution (FCI) and the Satellite Prison Camp (SPC), hereinafter referred to as FCI Memphis located in Memphis, TN, meets the criteria established for other than full and open competition. It is further determined that unusual and compelling urgency precludes full and open competition, and delays in award would result in serious injury, financial, or other liabilities to the government. This limitation on competition is justified as supported by the following information:

1. Agency:

Department of Justice
Federal Bureau of Prisons
Federal Correctional Institution
1101 John A. Denie Road
Memphis, TN

Department of Justice
Federal Bureau of Prisons
Satellite Prison Camp
6696 Navy Road,
Millington, TN

2. Nature and/or Description of Action being Approved:

This action is for the acquisition of comprehensive medical services for the inmate population at the FCI Memphis located in Memphis, TN. The procurement of medical services is urgent in nature in order to provide continuity of care to the inmate population. The Purchase Order will be issued to Naphcare December 1-31, 2022.

3. Description of Supplies or Services Required to Meet the Agency Needs:

As part of the mission of FCI Memphis, comprehensive medical services are provided to the inmate population. When a medical need arises, which cannot be provided for FCI Memphis by Federal Bureau of Prisons staff, referrals are made to community-based medical providers. The immediate availability of community-based health care is critical to the orderly operation FCI Memphis. This action is for the acquisition of comprehensive medical services until a new contract is awarded. This requirement is subject to availability of funds (FAR Clause 52.232-18). The services will be procured by way of purchase order. The estimated total cost per month of service is \$100,000.00.

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

This action is being procured under authority of 41 U.S.C. 3304(a)(2) and implemented by FAR 6.302-2, Unusual and Compelling Urgency.

5. Determination that Proposed Contractor's Unique Qualifications or the Nature of the Acquisition Requires Use of the Authority Cited:

The Request for Contract Action packet for comprehensive medical services was sent to the Field Acquisition Office (FAO). The comprehensive medical contract was awarded

for a base and four-one year option periods. The contract allowed a six-month extension. At the time in which the extension was exhausted, purchase orders have been prepared for continuity of services. A solicitation was posted in September of 2020. The solicitation is closed and offers are currently being evaluated and award is anticipated on or around January 1, 2022. In the interim, FCI Memphis must continue to offer medical services to the inmate population. Since Naphcare has been the incumbent contractor, their network of medical providers has been treating FCI Memphis inmates for more than five years. For continuity of medical care, it is in the best interest of FCI Memphis to continue to utilize Naphcare. Any disruption of medical services would be detrimental to the operation of FCI Memphis. As part of the overall mission, FCI Memphis is to provide basic and emergency health care. Therefore, it was in the best interest of the Government to procure these services from a vendor who can provide the services immediately. Any delay in providing the medical services to FCI Memphis would severely disrupt the orderly operation of the institution.

6. **Efforts Made to Solicit from as Many Sources as Practicable Including Whether or Not a Notice Was or Will be Publicized as Required by FAR Part 5.2:**

As stated in FAR 5.202 (a) (2), the proposed contract action represents an unusual and compelling urgency, which precludes competition to the maximum extent practicable. Delay of a contract award would result in serious injury, financial, or other, to the Government if the agency complies with the time periods specified in FAR 5.203. Therefore, due to the urgent nature of this procurement action, a synopsis notice was not required.

7. **Contracting Officer's Determination that the Cost to the Government Will be Fair and Reasonable:**

The estimated monthly cost for comprehensive medical services is \$100,000.00. Prices have been analyzed by the Contracting Office with the assistance of the Health Services Administrator in order to determine the price is fair and reasonable based on review of prices available for similar services currently being provided by Naphcare. Therefore, pursuant to FAR 15.404-1(b)(2)(ii), prices for these services are deemed fair and reasonable. The Contracting Officer will monitor pricing to ensure that it continues to satisfy this determination.

8. **Description of the Market Survey Conducted:**

Extensive market research was conducted for the ongoing competitive acquisition that is currently being processed by the FAO. The market research resulted in a competitively solicited acquisition. Market research for this temporary action was not conducted based on the urgency and importance of maintaining existing medical services to support the operations of FCI Memphis until the new contract is awarded.

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

Not applicable. Please refer to section 5.

10. List of Sources, Expressing in Writing, Interest in the Acquisition:

There are no other sources available that would be able to provide the service to in the timeframe required by the government.

11. Actions Taken by the Agency to Remove or Overcome Barriers to Competitions:

The acquisition of these services is necessary pending the award of a comprehensive medical contract. Currently, the FAO is competing the requirement for the Federal Correctional Institution, Memphis, TN. As supported in this document, our experience indicates that a single source provider for comprehensive medical services is beneficial to the agency and the inmate population we serve. Once the new contract is competitively awarded, further justification for other than full and open competition will not be necessary.

12. Contracting Officer's Certification:

In accordance with FAR 6.303-2(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. Contracting Officer has been aware of these services being provided. Circumstances prevented the timely processing of this document.

Submitted by:

Christine Lindon, Contract Specialist

12/21/22

Date