

**LIMITED SOURCES JUSTIFICATION**  
**FAR PART 8.405-6 Order or BPA >\$150K to \$700K**

**Acquisition Plan Action ID:** Unknown; 2237 # 663-17-2-048-0036

This acquisition is conducted under the authority of the Multiple Award Schedule Program. The material or service listed in par. 3 below is sole source, therefore, consideration of the number of contractors required by FAR Subpart 8.4 – Federal Supply Schedules, is precluded for the reasons indicated below.

**Restricted to the following source:**

Manufacturer/Contractor: Federal Staffing Resources LLC

Manufacturer/Contractor POC & phone number: Gene Carlson, 706-473-0499

Mfgr/Contractor Address: 2200 Somerville Rd Ste 300, Annapolis MD 21401-3713

Dealer/Rep address/phone number: Gene Carlson, 706-473-0499

FSS Contract Number: V797P-7114A

☒ The requested material or service represents the minimum requirements of the Government.

**(1) IAW FAR 8.405-6 AGENCY AND CONTRACTING ACTIVITY:**

Department of Veterans Affairs

Network Contracting Office 20

1495 Wilmington Drive, Suite 360

DuPont WA 98327

**Network Contracting Office (NCO):** 20

**(2) IAW FAR 8.405-6 NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED:**

This procurement is for emergency services of a Therapeutic Medical Physicist while Puget Sound Health Care Center (PSHCS), Seattle, WA (PSHCS) attempts to hire on a dual path with contracting for a new Therapeutic Medical Physicist. The National Qualification Standards for Therapeutic Medical Physicists, GS-601 under Hybrid Title 38 are fairly new, July 8, 2015, and the salary being offered by the Government is not commensurate with industry practice making hiring under Human Resources difficult.

**(3)(a) IAW FAR 8.405-6 A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEED:**

VA PSHCS has a need for Therapeutic Medical Physicist services in support of the Radiation Therapy Planning Team for the preparation of radiation therapy treatment devises and for treatment setups. The Therapeutic Medical Physicist must have expert knowledge and competence in the field of Radiation Oncology. This is one Full Time Equivalent (FTE),

2080 hours per year.

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**(b) ESTIMATED DOLLAR VALUE:** [REDACTED]

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**(c) REQUIRED DELIVERY DATE or PERFORMANCE PERIOD:** 2/25/2017 – 8/24/2017

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**(4) IDENTIFICATION OF THE JUSTIFICATION AUTHORITY AND SUPPORTING RATIONALE (SEE FAR 8.405-6), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE.**

☒ In accordance with FAR 8.405-6(a)(1)(i)(B) and FAR 8.405-6(b) Specific characteristics of the material or service that limit the availability to a sole source (unique features, function of the item, unique qualifications of the proposed source, etc.). Describe in detail why only this suggested source can furnish the requirements to the exclusion of other sources.

The VA Radiation Oncology Services are accredited by the American College of Radiology (ACR) and follow the standards and guidelines set forth by ACR. As such, any Contractor providing on-site radiation oncology services must adhere to all the American College of Radiology Guidelines and Technical Standards for Radiation Oncology. A contractor providing on-site radiation oncology services must provide evidence the radiation oncology practice meets or exceeds the American College of Radiology Guidelines for Radiation Oncology. (Performance Work Statement [PWS] paragraph 1.) The contractor's Therapeutic Medical Physicist must be approved by VA's National Health Physics Program, National Radiation Oncology Program prior to award of Task Order (PWS Appendix A, paragraph 1.(9)(a)).

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The resulting candidate's name is placed on VA Puget Sound's Linear Accelerator (LINAC) machine registration. The LINAC is the device most commonly used for external beam radiation treatments for patients with cancer. Placing the Therapeutic Medical Physicist's name on the machine registration allows VA PSHCS to continue treating cancer patients. Without a Therapeutic Medical Physicist's name on the radiation producing machine registration certification, VA PSHCS would need to close the entire Puget Sound Radiation Oncology Program. No new patients would be allowed for therapeutic treatments without a certified (and experienced) medical physicist.

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An acquisition for this service was competed in 2014. The contractor awarded as a result of the 2014 competition was Federal Staffing Resources, LLC. The awarded Task Order was V797P-7114A VA260-14-F-0759; it expired on 8/24/2015. At that time, a Limited Sources Justification was approved, and a sole source Task Order, V797P-7114A VA260-15-F-0638, was issued to Federal Staffing Resources, LLC as the incumbent.

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During the period of performance under V797P-7114A VA260-15-F-0638, the customer tried to hire through Human Resources using the newly approved (7/8/2015) Qualification Standards. It posted once, and there were zero candidates. It is believed that the attempt failed because the VA salary is very low. A salary survey was completed which confirmed this. VA Central Office is now pushing for a new Special Salary table with Congress. In the meantime the Seattle VA still needs Therapeutic Medical Physicist services.

VA PSHCS requires a follow-on to the original Task Order to cover the gap between 2/25/2017 and when either the VA can hire or award a competed contract.

Only Federal Staffing Resources, LLC can provide the needed service because their employee has been approved by the National Health Physics Program and thier name is registered on VA PSHCS's radiation treatment machine.

☐ In accordance with FAR 8.405-6(a)(1)(i)(B) and FAR 8.405-6(a)(2)(iii) A patent, copyright or proprietary data limits competition. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.

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☐ In accordance with FAR 8.405-6(a)(1)(i)(B) and FAR 8.405-6(b) These are “direct replacements” parts/components for existing equipment.

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☐ In accordance with FAR 8.405-6(a)(1)(i)(B) and FAR 8.405-6(b) The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

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☐ In accordance with FAR 8.405-6(a)(1)(i)(C) and FAR 8.045-6(b)(2) The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

☒ In accordance with FAR 8.405-6(a)(1)(i)(A) An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

The current Task Order expires 2/24/2017. Considering the VA time needed to award a contract and have Security clearance, the cancer treatment program would be closed down on 2/25/2017 until a new Therapeutic Medical Physicist was either recruited/hired and brought onboard through HR or a competitive contract was awarded and approval granted by VA's National Health Physics Program, National Radiation Oncology Program. VA PSHCS's need to continue Cancer treatment constitutes an urgent, critical need for uninterrupted services while VA PSHCS pursues hiring the Therapeutic Medical Physicist through Human Resources.

The time line of recruitment and hiring is unknown. The timeline for competing a new contract and vetting a Therapeutic Medical Physicist would be six to eight months.

**(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.404(d), FAR 8.405-1(c), FAR 8.405-1(f), FAR 8.405-6(c)(2)(v) TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:**

When this was competed in 2014, three companies quoted. Federal Staffing Resources, LLC's price did not exceed the already approved NAC FSS rates. Based on past experience, Federal Staffing Resources, LLC rate increase was acceptable but still below the posted NAC pricing.

**(6) IN ACCORDANCE WITH FAR 8.405-6(b)(1) and FAR 8.405-6(c)(2)(ii) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:**

The Contracting Officer conducted Market Research on 1/23/2017 (eCMS Briefcase P02 CO's Market Research). There are 15 NAC FSS holders; 11 companies are Small; 5 are Other than small; 2 companies are Veteran Owned Small Business (VOSB); 1 company is Service Disabled Veteran Owned Small Business (SDVOSB). The incumbent is a Small company; however, under this NAICS code it is a large business.

A Vetbiz search was conducted on NAICS code and revealed 527 SDVOSB/VOSB companies that were registered. Due to the length of time required to compete the contract and on-board a different Therapeutic Medical Physicist, Oncology Services would cease 2/25/17 and Veterans would not be able to receive their cancer treatments.

**(7) IN ACCORDANCE WITH FAR 8.405-6(c)(2)(vii) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:**

The VA has reason to believe that the incumbent contractor's Therapeutic Medical Physicist filling the position right now would like to convert to a VA employee so the recruitment should happen rather quickly (3-6 months), depending on Human Resources processes. There is phrasing in the PWS that the contractor Physicist will finish the current commitment assignment if hired through HR. If the VA hires someone else, the PWS allows the VA to cancel the contract with a 30-day notice.

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**(8) IN ACCORDANCE WITH FAR 8.405-6(c)(2)(viii) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE:**

The VA intends to hire the Therapeutic Medical Physicist as a civil service position through VA Human Resources and is seeking the authority to raise the salary level.

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**(9) IN ACCORDANCE WITH FAR 8.405-6(c)(2)(x) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4.

*(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*

Jeannine Myers  
SIGNATURE

1-25-2017  
DATE

Jeannine Myers  
NAME

Business Manager  
TITLE

Hospital & Specialty Medicine  
SERVICE LINE/SECTION

VA Puget Sound Health Care System  
FACILITY



**(10) APPROVALS IN ACCORDANCE WITH FAR 8.405-6(d) and the VHAPM at:  
VHAPM, Volume 6, Chapter VI: OFOC SOP** *This part is filled out by Contracting Staff as part  
of the Justification*

**a. CONTRACTING OFFICER'S CERTIFICATION (required IAW FAR 8.405-6(c)(2)(ix)):**

I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Darlene J.

Anderson 462963

Digitally signed by Darlene J. Anderson 462963  
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0.9.2342.19200300.100.1.1=darlene.anderson4  
@va.gov, cn=Darlene J. Anderson 462963  
Date: 2017.01.25 12:39:21 -08'00'

1/25/2017

Darlene Anderson  
Contracting Officer  
Network Contracting Office 20

Date

**b. Director of Contracting/Designee (Required >\$150K to \$700K):** I certify the justification meets requirements for other than full and open competition.

Stacia M Nunn  
457707

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DN: dc=gov, dc=va, o=internal, ou=people,  
0.9.2342.19200300.100.1.1=stacia.nunn@va.  
gov, cn=Stacia M Nunn 457707  
Date: 2017.02.06 12:58:21 -08'00'

2/06/2017

Stacia M. Nunn  
Acting Chief, Division 1 Contracting  
Network Contracting Office 20 (NCO 20)

Date:

**DEPARTMENT OF  
VETERANS AFFAIRS**

**Memorandum**

Date: **JUL 18 2014**

From: Director, VHA National Health Physics Program (NHPP) (115HP/NLR)

Subj: VHA Therapeutic Radiation Producing Machine Registration Certificate

To: Director (663/00), VA Puget Sound Health Care System, Seattle, Washington

1. To conduct radiation therapy of patients, your facility must have a Therapeutic Radiation Producing Machine Registration Certificate that names a Chief Therapeutic Medical Physicist (CTMP). Since your current CTMP is departing effective August 1, 2014, you must arrange for regular oversight of all clinical physics activities by a board certified and experienced medical physicist for all new patients starting treatment at your facility before or upon his departure.
2. This arrangement for oversight should be implemented before August 1, 2014, and remain in place until you successfully recruit a qualified medical physicist and register him/her with us. The arrangement for oversight should include assistance with corrective actions for the recent therapy audit that we completed at your facility and for which corrective actions are pending.
3. If you have any questions about this matter, please contact Edwin M. Leidholdt, Jr., Ph.D., NHPP, at (707) 562-8374.



Gary E. Williams

cc: Chair, National Radiation Safety Committee  
Director, VHA National Radiation Oncology Program  
Network Director, VISN 20 (10N20)