

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, Palo Alto Health Care System.
2. **Nature and/or Description of the Action Being Processed:** We will be establishing a firm fixed price contract for a radiation safety program.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-1.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This contract needed to provide radiation safety program services at VA Palo Alto and Stanford University due to the highly integrated nature of clinical and research operations at both institutions. The estimated amount is [REDACTED] for over a three year period.
4. **Statutory Authority Permitting Other than Full and Open Competition:**

- ☒ (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- ☐ () (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;

FAR13.5 Simplified Procedures for Certain Commercial Items: The authority for applying the Simplified Procedures for Certain Commercial Items of FAR 13.5 is (Section 4202 of the Clinger-Cohen Act of 1996) and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements (FAR 6.302-1) – This acquisition is being on a sole source basis to Stanford University, who is the only vendor capable of meeting the unique requirements of this contract.

Physicians, researchers, and trainees, often have dual appointments or utilize the resources of the VA Palo Alto Health Care System and Stanford University to meet the goals of their clinical practice or research. As a result, the radiation safety oversight is a joint effort between Stanford and VA Palo Alto. If we were to award a contract to a vendor other than Stanford, we would not be able to legally require Stanford to allow the vendor to perform the radiation safety duties at the Stanford location. Stanford already has people on staff to perform these duties and they would not allow an outside party to perform such an essential service when they have in-house staff specifically for this purpose.

A radiation safety program must be cross institutional to be effective in this highly integrated environment. The physicians, researchers, and trainees who require radiation monitoring go back and forth between the VA Palo Alto and Stanford. It would be possible to have a contract in place for the Palo Alto location; however, we would not be able to require Stanford to allow a third party vendor to perform the radiation safety duties at the Stanford location.

One of the critical functions in this contract will be scenarios where the radiation levels for an individual or group of people are elevated above established safe levels. In the event that the safe levels are exceeded, the Health Physicist will investigate to determine the root cause for the high levels. It may be the result of equipment error at the VA Palo Alto or Stanford location. We would be able to allow a third party Health Physicist to investigate the VA Palo Alto, but we have no legal authority to mandate that Stanford University must allow a third party Health Physicist to investigate their facility.

Stanford already has staff that is extremely qualified in Health Physics and it would not be reasonable or make business sense for Stanford to allow a third party Health Physicist to access their facility and perform these services when they already have staff in house for this specific purpose.

Due to the cross institutional nature of staff working at both the VA Palo Alto and Stanford location and the fact that we cannot require a university to use the VA's contracted vendor to provide the radiation safety services at the university's location, these services must be sole sourced Stanford who is the only vendor that can provide these services at both locations under these circumstances.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

Due to the unique nature of these services which are described in the previous section, we would not be able to seek other sources.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

Similar radiation safety services are available in the commercial marketplace. The price from Stanford will be compared to other contracts of similar services to assist the price fair and reasonable determination.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

Market research was not conducted due to the unique nature of these services. A notice of intent to sole source will be posted on FedBizOpps allowing the industry an opportunity to refute any of the information presented in this justification.

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

None

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

Stanford University
450 Serra Mall
Stanford, CA 94305
DUNS: 009214214

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:**

The highly integrated operations and administration of the radiation safety program at Stanford University and VA are the result of an institutional affiliation that impacts all areas of the VA. Without this program, an integrated and seamless radiation safety program that supports individuals that go back and forth between the two institutions would not be possible, which would adversely impact the delivery of health care and the conduct of research at VA. We cannot feasibly overcome the barriers to competition because that would require the ability for us to mandate that Stanford must allow the VA's contracted vendor to perform these services at the Stanford location.

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.


Rodney Rodriguez Espada
Supervisory Nuclear Medicine Technologist

13. **Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.**

Contracting Officer's Certification (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Michael Hodahkwen

Digitally signed by Michael
P. Hodahkwen 1024447
Date: 2017.02.28 15:51:41
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Michael P. Hodahkwen
Contracting Officer