

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA262-17-AP-4751

1. Contracting Activity:

Department of Veterans Affairs, SAO West - Network Contracting Office (NCO) 22, for the VA Long Beach Healthcare System (VALBHS) located at 5901 E. 7th St., Long Beach, CA 90822. 2237 Transaction # 600-17-2-072-0107.

2. Nature and/or Description of the Action Being Processed:

This procurement is for two (2) Therapeutic Medical Physicist (TMP) and one (1) Certified Medical Dosimetrist (CMD) to provide services to the VALBHS's Radiation Oncology service's medical physics program. This will be a Firm-Fixed-Price (FFP) contract for a three (3) month period of performance from March 30, 2017 to June 30, 2017. This procurement will be conducted in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR Subpart 13.501(a)(1)(ii)--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 Subpart 6.303-2.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

(a) VALBHS's Radiology Oncology service requires the services of one (1) TMP with a Ph.D. degree, one (1) TMP with a M.S. degree, and one (1) CMD to support the medical physics program. The TMP's must be board certified by the American Board of Radiology (ABR) or by an equivalent approved certifying body in the field of Therapeutic Medical Physics or Therapeutic Radiological Physics; while the CMD must be board certified by the Medical Dosimetrist Certifying Board (MDCB).

(b) Estimated value of the acquisition: \$210,600.00

(c) Period of performance: March 30, 2017 through June 30, 2017.

(d) Estimated quantities of each position:

- i. TMP Ph.D.: 520 hours
- ii. TMP M.S.: 520 hours
- iii. CMD: 520 hours

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

The authority for applying the Simplified Procedures for Commercial Items of FAR Subpart 13.5 is 41 U.S.C. 1901 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):

The VALBHS's Radiation Oncology service is accredited by the American College of Radiology (ACR) and follow the standards and guidelines set forth by the ACR. As such, TMP's and CMD providing on-site radiation oncology services must adhere to all ACR Guidelines & Technical Standards for Radiation Oncology.

Photon Physics Services, Inc (PPS) is the only firm capable and responsible source of providing the services as described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements. PPS is able to provide the required qualified TMP's and CMD positions to meet all the requirements of VALBHS's Radiation Oncology service and provide continuity of care for veterans under these treatments.

Per VA guidelines, a TMP must be registered to the facility's radiation treatment equipment registration in order to provide cancer treatment services. Without a qualified TMP on the radiation treatment equipment registration certificate VALBHS's Radiation Oncology Service will be out of regulatory compliance; and will not be able to provide radiation therapeutic treatment services to our cancer patients. PPS currently maintains the registration certificate and all other clinical privileges for the VALBHS's Radiation Oncology service. Therefore, is deemed as the only source that is qualified and capable of ensuring continuation of radiation therapeutic treatments and continuity of care.

Procuring TMP and CMD services from another provider would result in delays of services and deny the continuity of care for VALBHSS' veterans for the following reasons:

- (a) Per the National Radiation Oncology Program (NROP), It typically takes up to six (6) months for a TMP to have an explicit understanding of the facility's treatment philosophies/paradigms and become comfortable and effective in the department
- (b) The VA Credentialing (VETPRO) and Privileging process typically takes about two (2) months to complete. Therefore, it would not be feasible to credential and privilege new providers in a timely manner to maintain the continuity of care of VALBHS's Radiation Oncology program.
- (c) Radiation therapeutic treatments will stop as there are no other means, such as other VA facilities, Medical Treatment Facilities (MTF), and/or community care providers, to provide these lifesaving treatments.
- (d) Time sensitive, as veterans are on treatment plans and are scheduled far in advanced; and must adhere to this strict scheduling regime for proper treatment and care.

Base on the fore mention, it is an urgent and compelling need for the Government to contract with PPS as it provides seamless transition to meet the requirements of the VALBHS's Radiation Oncology service in respect to the medical physics program. If not awarded in a timely manner, VALBHS's Radiation Oncology service will be forced to shut down the department and ceased radiation therapeutic treatment services. It would cause serious harm to the Government and the veterans who require the lifesaving radiation therapeutic treatments provided by VALBHS. Therefore, it is in the best interest of the Government to award PPS the short term contract to maintain the continuity of care at VALBHS.

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

Efforts were minimized because it was not practicable to solicit from other sources as they would not be able to meet this requirement based on the rationale as outline in paragraphs 5 and 8 of this document. However, on March 19, 2017 a notice of intent (NOI), [VA262-17-N-0588](#) was issued on [www.fbo.gov](#) to notify industry the Government's intent and also allowing sources to submit interest and capabilities, as this information will be used in support of the long term requirement.

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

The anticipated total cost for this short term contract is estimated at \$201,500.00. This estimated cost is based on each respective position's hourly rate multiplied by the 520 hours that is required for the performance of this contract. Therefore, the estimated cost of the contract has been deemed fair and reasonable based on the following reasons:

- (a) Historical pricing data from the previous contract # VA262-16-D-0103 which was deemed fair and reasonable.
- (b) Comparison of similar contract that was performed at VA Greater Los Angeles Healthcare System (VAGLAHS) Radiation Oncology service.
- (c) Pricing from the following categories of GSA Federal Supply Schedules (FSS) 621 I – Professional and Allied Healthcare Staffing Services:
 - i. [Category 621-055 - Dosimetrist](#)
 - ii. [Category 621-061 - Physicists \(Includes medical physicists including: Therapeutic Radiological Physics; Diagnostic Radiological Physics; Medical Nuclear Physics; Medical Nuclear Physics; Medical Health Physics\)](#)

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

A limited market research was conducted by reviewing GSA's FSS contracts, VA VETBIZ website ([www.vip.vetbiz.gov](#)), SBA's website (http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm), System for Award Management (SAM) website ([www.sam.gov](#)), Federal Procurement Data System (FPDS) website ([www.fpds.gov](#)), and Federal Business Opportunities (FBO) website ([www.fbo.gov](#)). Market research concluded there are no potential sources that can provide a TMP - Ph.D., a TMP - M.S., and a CMD to be credentialed and privileged and start performance by March 30, 2017. As such, market research determines PPS is the only capable source who can meet and fulfill VALBHS's requirement.

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

There are no other facts supporting the used of other than full and open competition.

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

No sources expressed in writing an interest in this acquisition.

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:

A new long term contract is currently in process and will be solicited as a total set aside for small business concerns. The Government intends this new contract will be solicited and awarded by June 2017, as such; this short term contract is required to bridge this gap and ensure VALBHS'S Radiation Oncology service maintains the continuity of care for veterans.

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.

Sharrie A Shupien 647341

Digitally signed by Sharrie A Shupien 647341
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=sharrie.shupien@va.gov, cn=Sharrie A Shupien
647341
Location: Radiation Oncology
Date: 2017.03.23 08:48:07 -07'00'

Name: Sharrie Shupien
Title: Administrative Officer
Facility: VA Long Beach Healthcare System

Date

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

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

Tue M. Tran 324469

Digitally signed by Tue M. Tran 324469
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=tue.tran@va.gov, cn=Tue
M. Tran 324469
Date: 2017.03.23 18:09:31 -07'00'

Name: Tue M. Tran
Title: Contract Specialist
Facility: SAO West, NCO 22

Date

- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.



Name: Vicie Graves
Title: Contracting Officer
Facility: SAO West, NCO 22

3-26-2017

Date