

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID: VA263-17-AP-5713**

1. **Contracting Activity:** Department of Veterans Affairs, NCO 23, Minneapolis VA Contracting Office located at 708 South 3<sup>rd</sup> Street, Suite 200E, Minneapolis, MN. IFCAP# 636-17-4-8862-0035
2. **Nature and/or Description of the Action Being Processed:** A firm-fixed-price (FFP) type contract will be awarded on a sole source bases for Radiation Protection Safety Services for the Iowa City VA Health Care System (ICVAHCS). This contract will have one (1) base year and four (4) one year option periods.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**
  - a. This is a service contract for Radiation Protection Safety Services. It provides for the proper disposal IC VAHCS radioactive waste that is generated by nuclear medicine and research. The contract also provides for Radiation Safety Officer (RSO) and Laser Safety Officer (LSO) services. IC VAHCS has shared the costs of these services by contracting with the University of Iowa Hospitals and Clinic (UIHC); thus, using their RSO and radiation waste capabilities. The University of Iowa is located contiguous to the Iowa City VA Medical Center in that we share a common border; there is no other RSO to share services within that proximity. This requirement must start September 26, 2017 because it is required for the essential radioactive materials permit by the VHA National Health Physics Program (NHPP), and the current contract ends September 25, 2017.

There are three major categories of radiation hazards found in the hospital that are RSO critical:

    - Diagnostic imaging or x-rays that take pictures of the internal body.
    - Radioisotopes used for diagnostic imaging or for treating cancer.
    - Radioactive materials used in the Research and Laboratory Departments.
  - b. This contract provides all Radiation Protection Services including the critical task of properly disposing of radioactive waste. Finally, this contract provides required Laser Safety Officer (LSO) services, which is essential for Laser use in our Operating Room for surgeries.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP  
Attachment 3: Request for Sole Source Justification Format >\$150K

- c. **PROVIDE - HEALTH PHYSICIST (RADIATION SAFETY OFFICER):** This position serves as the Radiation Safety Officer (RSO) in the Safety Office for the ICVAHCS, Iowa City, Iowa. This is a 45% time position shared with the UIHC. The contractor ensures radiation safety activities at the facility and the facility's subsidiaries are performed in accordance with approved procedures and regulatory requirements in the daily operation of the facilities' byproduct material and ionizing radiation safety program. The RSO is responsible for compliance with the facility's Radioactive Materials Permit, Radiation Health, and Laser Safety Programs. Contractor will be required to support after-hours recall coverage. Contractor personnel will be considered essential for recall purposes.
- d. The contractor shall produce a written continuity plan for the qualified RSO to ensure high quality care and continuous maintenance of the ICVAHCS radioactive materials permit by the VHA National Health Physics Program (NHPP).
- e. The total estimated cost for this contract is [REDACTED] (see the cost breakdown below).

Chapter VI: Other Than Full and Open Competition (OFOC) SOP  
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Radiation Protection Services Iowa City VA HCS Estimated Annual Costs  
Radiation Protection Services Base Period 9/26/2017-9/25/2018

CLIN	Description	Quantity	Unit	Unit Price	Total
0001	Radiation Protection Services		12 Month		
0002	Radiation Disposal		4 Quarter		
0003	Radiation Safety and Laser Safety Officer		12 Month		

Radiation Protection Services Option Period 1 9/26/2018-9/25/2019

CLIN	Description	Quantity	Unit	Unit Price	Total
1001	Radiation Protection Services		12 Month		
1002	Radiation Disposal		4 Quarter		
1003	Radiation Safety and Laser Safety Officer		12 Month		

Radiation Protection Services Option Period 2 9/26/2019-9/25/2020

CLIN	Description	Quantity	Unit	Unit Price	Total
2001	Radiation Protection Services		12 Month		
2002	Radiation Disposal		4 Quarter		
2003	Radiation Safety and Laser Safety Officer		12 Month		

Radiation Protection Services Base Period 3 9/26/2020-9/25/2021

CLIN	Description	Quantity	Unit	Unit Price	Total
3001	Radiation Protection Services		12 Month		
3002	Radiation Disposal		4 Quarter		
3003	Radiation Safety and Laser Safety Officer		12 Month		

Radiation Protection Services Option Period 4 9/26/2021-9/25/2022

CLIN	Description	Quantity	Unit	Unit Price	Total
4001	Radiation Protection Services		12 Month		
4002	Radiation Disposal		4 Quarter		
4003	Radiation Safety and Laser Safety Officer		12 Month		

Grand Total

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

- (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy  
41 U.S.C. 3304(a)(1) as implemented by FAR 6.302-1.



Chapter VI: Other Than Full and Open Competition (OFOC) SOP  
Attachment 3: Request for Sole Source Justification Format >\$150K

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** This Radiation Protection Services contract includes the mandatory Radiation Safety Officer (RSO). This RSO position is required for the essential radioactive materials permit by the VHA National Health Physics Program (NHPP), and our permit is sustained by the RSO provided from the UIHC. Only One Responsible Source is available for this highly-specialized service that is right next door to the ICVAHCS. A decision not to sole source this contract would cause unacceptable delays in fulfilling the agency's requirements because a new contractor couldn't have or quickly obtain an active Radioactive Materials permit. The ICVAHCS must have a qualified Radiation Safety Officer, or else the hospital cannot provide nuclear medicine to our Veteran Patients. Lastly, not having nuclear medicine capabilities or having a lapse of nuclear medicine would be detrimental to Veteran Patients as nuclear medicine is used to scan for and treat serious diseases such as cancer.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Two huge efforts were tried to solicit from other potential sources. The first being the use of the Intergovernmental Personnel Act (IPA), VA used the IPA assignment agreement to fulfill the RSO requirements; however, the Director deemed the method inappropriate so it was ended. Second, VA solicited to bring the RSO position on as an FTEE; however, there were NO qualified candidates that applied. The last IPA ended September 25, 2016. The last FTEE solicitation failed attempt was executed June 12, 2016. A Sources Sought was posted to FBO by the Contracting Officer on May 22, 2017. If it is determined that there are interested, capable, and available sources this requirement will be competed.
7. **Determination that the Anticipated Cost will be Fair and Reasonable:** The anticipated cost will be considered fair and reasonable. The Contracting Officer has asked the COR for a schedule on the actual hours and the names of UIHC employees who are providing services at the VA. The Contracting Officer will compare the hourly employee effort to the proposal. UIHC employee salaries are published public information. The Contracting Officer will also compare the Contractor's proposed price to historical and industry prices to ensure the price to be fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**  
Many techniques were used for soliciting inquiries from interested parties. The first technique was the direct inquiry to other Safety Managers within VISN 23. The second being the use of the Intergovernmental Personnel Act (IPA), we used the IPA assignment agreement to fulfill the RSO requirements; however, the Director deemed the method inappropriate so we ended it. The IPA method was used ended September 25, 2016. Third, ICVAHCS solicited to bring the RSO position on as an FTEE; however, there were NO qualified candidates that applied. The last FTEE solicitation failed attempt was executed June 12, 2016. Recruiting efforts will continue to attempt to bring on FTEE. It has determined to be advantageous for the Government to add option periods to the contract if recruiting continues to be unsuccessful. The VETBiz Registry was checked for Acquisition Policy Flash 16-20 or Veterans First Contracting Program compliance. The result of that check indicated that three SDVOSBs came up under NAICS Code 541380 keyword radiation. Those SDVOSBs were directly emailed on May 23, 2017 and have not yet responded. There are also no other known local or regional sources that could provide this service. Lastly, a Sources Sought was posted to FBO by the Contracting Officer on May 22, 2017. If it is determined that there are interested, capable, and available sources this requirement will be competed.

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

The proximity offered by the University of Iowa Hospitals and Clinic (UIHC) cannot be duplicated because it is adjacent to the ICVAHCS. ICVAHCS and UIHC share a common border allows for critical access. This access is essential because ICVAHCS has severely limited parking. RSO services to maintain a radioactive materials permit by the VHA National Health Physics Program (NHPP) is considered a highly specialized service with a substantial barrier of entry for competitors. Lastly, losing radiation protection services would mean not having nuclear medicine capabilities or having a lapse of nuclear medicine would be detrimental to Veteran Patients as nuclear medicine is used to scan for and treat serious diseases such as cancer. There are no known substitutes for this service.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No sources responded to the Sources Sought posting. No sources responded to direct emails from the Contracting Officer.

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:**

In the future, the service hopes to make this a permanent FTEE position. The position was evaluated at Human Resources (HR) and the Central Classification Unit graded it to be GS-12; however, when the job was posted June of 2016 (ANS-16-HAF-1702388-BU) there were not any qualified applicants. Therefore, it is essential to have this contract in place until a qualified applicant can be recruited.

Efforts to hire will continue in the future. The Contracting Officer posted a Sources Sought to FBO on May 22, 2017 and no responses were received. Three SDVOSBs under NAICS code 541380 were directly emailed. Those firms did not respond to emails. This is a specialized service with very few Contractors that perform the service.

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.

Randall E. Millers  
344968

Digitally signed by Randall E. Millers, DN: cn=Randall E. Millers, o=U.S. Department of Veterans Affairs, email=ramillers@icv.hill.af.mil, c=US

Randall E. Millers  
Safety Manager  
Iowa City VA Health Care System

\_\_\_\_\_  
Date



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

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

SHEA A. COLBY  
414330

Digitally signed by SHEA A. COLBY 414330  
DN: dc=gov, dc=va, o=internal, ou=people,  
0.9.2342.19200300.100.1.1=shea.colby@va.  
gov, cn=SHEA A. COLBY 414330  
Date: 2017.06.29 12:49:31 -05'00'

06/29/2017

Shea Colby, Contracting Officer  
NCO 23 Minneapolis

Date

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

Daryl A. Berg  
429170

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0.9.2342.19200300.100.1.1=daryl.berg@va.gov,  
cn=Daryl A. Berg 429170  
Date: 2017.07.07 13:44:22 -05'00'

07/07/2017

Daryl A. Berg  
Director of Contracting  
Network Contracting Office 23

Date

- c. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$13.5 million) or approve (\$700K to 13.5 million) for other than full and open competition.

Linda S.  
Greaves 404790

Digitally signed by Linda S. Greaves 404790  
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0.9.2342.19200300.100.1.1=linda.greaves@v  
a.gov, cn=Linda S. Greaves 404790  
Date: 2017.07.12 15:42:18 -05'00'

7/12/2017

Linda S. Greaves  
Acting Director, SAO Central Office  
SAO Head of Contracting Activity (HCA)

Date