

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification for Single Source Awards IAW FAR 13.106-1  
For  
Over Micro-Purchase Threshold but Not Exceeding the SAT (\$150K)**

**Acquisition Plan Action ID:** VA262-17-AP-8412

1. **Contracting Activity:** Department of Veterans Affairs, VISN 22, Spinal Cord Injury and Disorders (SCID) at VA Long Beach Healthcare System (VALBHS):

VA Form 2237 Transaction Number: 600-18-1-037-0001

2. **Brief Description of Supplies/ Services required and the intended use/Estimated Amount:**

ADA compliant pool to be used for aquatic physical therapy.

3. **Unique characteristics that limit availability to only one source, with the reason no other supplies or services can be used:** In accordance with FAR 13.106-1(b)(1)(i), there is only one source that can provide the required services that is in conformance with the Statement of Work (SOW) (please see attached SOW).

VIP was researched and there are zero (0) SDVOSB/VOSB that can provide the required service. A Sources Sought was posted to FBO on July 27, 2017 and closed on August 7, 2017; zero (0) responses were received. The City of Long Beach owns and operates several municipal pools and they were contacted to inquire if they can provide the required service. Long Beach stated that they cannot guarantee that a pool will be available for the required set timeframes. Thus, Long Beach cannot provide the required services.

An internet search of other aquatic therapy resources was conducted. The query returned several sources, and these sources were contacted. Advanced Orthopedic Physical Therapy owns their own aquatic therapy pool; however, they cannot provide the required services. New West Physical Therapy and SoCal Aquatic Therapy do not own their own pool and currently use California Aquatic Therapy and Wellness' (CATW) pools to conduct their aquatic therapy. CATW is the current VA contractor.

Based on the foregoing, CATW is the only source that has the capability to provide the required service in conformance with the SOW.

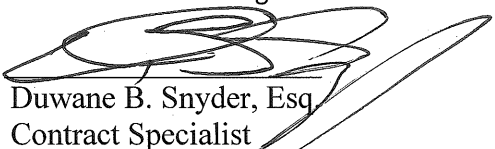
4. **Description of market research conducted and results or statement why it was not conducted:**

The following market research was conducted: VIP search, posting of a Sources Sought on FBO, internet research and contacting prospective contractors.

5. **Contracting Officer's Certification:** *Purchase is approved in accordance with FAR13.106-1(b). I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.*

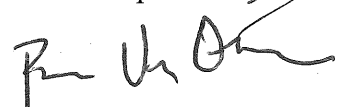
VHAPM Part 813.106 Simplified Acquisition Procedures: Soliciting from a Single Source  
Attachment 1: Single Source Justification for SAP under \$150K

Prepared by:

  
Duwane B. Snyder, Esq  
Contract Specialist

Dated: September 7, 2017

Approved by:

  
Brian Van Orman  
Contracting Officer

Dated: September 7, 2017

Date

**Statement of Work**  
**Use of an ADA compliant pool to conduct Aquatic Physical Therapy**  
**VA Long Beach Healthcare System**

**1. BACKGROUND**

VA Long Beach Health Care System (VALBHS), Spinal Cord Injury and Disorders (SCI/D) has a requirement to provide aquatic therapy services for veteran patients of the SCI/D. The VHA Handbook 1176.01, SCI/D System of Care designates that each SCI/D center have a pool to provide access to aquatic therapy and other activities. Currently, the VALBHS SCI/D does not have a pool on station. Accordingly, to provide access to skilled aquatic physical therapy services VALBHS has a requirement for an ADA pool located offsite. The current requirement is for the use of the pool only. No patient care services are required to be provided by the contractor. Only VA personnel will provide aquatic therapy and other patient care services.

**2. SCOPE**

Based on the number of Veteran patients receiving treatment from VA Long Beach' SCI/D Center, the estimated use of a pool is 1-2 x/week for approximately 1-2 hours-of pool use per session. Because of the complexity of the Spinal Cord Injury patients, a four hour window for pool use is required between the hours of 10am and 3pm for each session. This flexibility provides the necessary time for Spinal Cord Injury patients to coordinate transportation, allow an adequate window of time for patients to get dressed and undressed before and after the therapy session.

The contracted site is to provide an ADA compliant pool with adequate entrances by either wheelchair ramp or wheelchair lift. The contractor shall provide all essential therapeutic equipment, supplies, and safety equipment need to provide the services delineated in this Statement of Work. The contractor shall provide an on-duty lifeguard at all times.

**3. MISCELLANEOUS REQUIREMENTS**

**Facility Standards:**

- A. Maintain all industry standards regarding legal liability
- B. Implement and follow policies regarding basic assists, rescue, and emergency extraction from the pool.
- C. Provide proof of California licensed lifeguard on duty at all times VA is using the pool.
- D. Facility access and security meets ADA guidelines and state/local codes for safety.
- E. Equipment used to enter and exit the pool shall have a nonslip surface and maintained in good, safe working condition.
- F. Tactile markings should be used to show water depth and pool deviations.
- G. Demonstrates awareness of Occupational Safety and Health Administration (OSHA) standards, as evidenced by documentation of plans, training and practice records, and maintained in an orderly fashion to allow for inspection.
- H. Provide an Emergency Action Plan (EAP) written in compliance with industry standards. EAP shall be posted a conspicuous location. EAP shall be updated as necessary.
- I. Provide a written Blood Borne Pathogen and Exposure Control Plans, compliant with OSHA Standards. Said plan shall be updated annually.
- J. Daily inspection of facility to maintain safe usage of the pool.
- K. Inspection of facility shall be completed with the use of a prepared checklist. All issues discover during the inspection shall be documented and forwarded to the appropriate staff member to take corrective action.

- L. Rescue equipment and first aid supplies shall be inspected periodically to ensure they are complete and serviceable. This equipment shall be in conspicuous places and the locations provided to the VA staff on hand.
- M. Signs with the pool rules and other cautions shall be clearly posted. All hazards shall be clearly marked.
- N. Water chemistry, including water-testing procedures, chemical accident procedures, and general sanitizers is the responsibility of the pool operator.

**4. SECURITY REQUIREMENTS**

A. The C&A requirements do not apply, and that a Security Accreditation Package is not required.

B. The contractor will not have access to patient records, data, or VA computer systems.

**5. GOVERNMENT-FURNISHED EQUIPMENT (GFE)**

The Government will not provide any GFE to the contractor in the performance of this purchase order.

**6. PERIOD OF PERFORMANCE**

October 1, 2017 – September 30, 2018

**7. HOURS OF WORK:**

VA Long Beach Healthcare System	8:00 AM – 4:30 PM
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*\*\* Excluding National Holidays*

**NATIONAL HOLIDAYS:**

New Year's Day	January 01
Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 04
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

If the holiday falls on a Sunday, the following Monday will be observed as a National holiday. When a holiday falls on a Saturday, the preceding Friday is observed as a National holiday by U.S. Government Agencies, and any day specifically declared by the President of the United States of America.

**OVERTIME & HOLIDAY PAY:** Any overtime and/or holiday pay that may be entitled to the Contractor's employees shall be the sole responsibility of the Contractor and shall not be billed to nor reimbursed by the Government.

Contractor will bill and be paid for actual services provided by Contractor personnel. Contractor will not be paid for "availability" or "on-call" services unless otherwise provided herein.

**8. CONTRACTOR PERSONNEL BACKGROUND REQUIREMENTS:**

The Office of Security and Law Enforcement provides Department-wide policy on the assignment of appropriate position sensitivity designations associated with Department of Veterans Affairs (VA) positions involving national security and public trust responsibilities, and on the level of background investigations required for applicants for, and incumbents of, those positions. In addition to VA employees, the policy and investigative requirements are applicable to Contractor personnel who require access to VA computer systems designated as sensitive.

Personnel who require access to VA computer systems shall be subject to all necessary background investigations and receive a favorable adjudication from the VA Office of Security and Law Enforcement to ensure compliance with such policy. If such investigation has not been completed prior to contract commencement, the Contractor shall be responsible for the actions of those individuals performing under the contract.

Should the contract require Contractor personnel to maintain U.S. citizenship, the Contractor shall be responsible for compliance. Regardless of U.S. citizenship requirements, Contractor personnel are required to read, write, speak, and understand the English language, unless otherwise specified in this contract or agreed to by the Government.

The cost of such investigations shall be borne by the Contractor, either in advance or as reimbursement to the Government. The level of sensitivity shall be determined by the Government on the basis of the type of access required. The level of sensitivity will determine the depth of the investigation and the cost thereof. The current estimated costs for such investigations are as follows:

<b>Level of Sensitivity</b>	<b>Background investigation level</b>	<b>Approximate Cost</b>
Low Risk	National Agency Check with Written Inquiries	\$381.00
Moderate Risk	Minimum Background Investigation	\$1,730.00
High Risk	Background Investigation	\$4,431.00

The Contractor shall be required to furnish all applicable employee information required to conduct the investigation, such as, but not limited to, the name, address, and social security number of Contractor personnel. The VA will provide all the necessary instructions and guidance for submission of the documents required to conduct the background investigation. Background investigations shall not be required for Contractor personnel who will not be required to access VA computer systems nor gain access to sensitive materials.

**9. CONTRACTOR PERSONNEL:**

The Contractor shall provide a contract program manager who shall be responsible for the performance of the work. The name of this person shall be designated in writing to the Contracting Officer. The Contractor's Program Manager shall have full authority to act for the Contractor on all contract matters relating to daily operation of this contract.

**A. PROGRAM MANAGER**

Company Name:
Address:
Phone No:
Contact Name:
Email:

#### **10. CONTRACTOR EMPLOYEES:**

The Contractor shall not employ persons for work on this contract if such employee is identified to the Contractor as a potential threat to the health, safety, security, general well-being or operational mission of the installation and its population.

Contract Personnel shall be subject to the same quality assurance standards or exceed current recognized national standards as established by the Joint Commission (JC).

BADGE: Contractor shall obtain a "Contractor I.D Badge" from the VA Police. All Contractor personnel are required to wear I.D Badge during the entire time on VA facility. The I.D Badge **MUST** have an identification picture and shall state the name of the individual and the company represented.

PARKING: It is the responsibility of the contract personnel to park in the appropriate designated parking areas. Parking information is available from VA Police & Security Service Office. The Contractor assumes full responsibility for any parking violations. The VASNHS does not validate or make reimbursement for parking violations of the contractor's personnel.

SMOKING: Contractor personnel may smoke only in designated areas. It is the responsibility of the VISN 22 Healthcare Facilities to provide a safe and healthful environment for employees and patients and to serve as a leader in community health awareness and education. It is in fulfillment of this obligation that the facilities are committed to the establishment of a smoke-free environment. This policy applies to every location in the Healthcare Facilities. There shall be no smoking within 25 feet of all entrances to buildings. Smoking is allowed in all outside areas that are 25 feet away from entrances to buildings unless indicated otherwise. Enclosed patios connected to facility buildings are considered part of the building and as such are non-smoking areas.

ADP SECURITY: Protection of Computer Equipment, confidentiality of patient information, and the integrity of computer software/data at all Healthcare Facilities are essential. Software installed on each PC is copyrighted and copy of software for use elsewhere is prohibited. In the event of a possible security violation, the Healthcare Center's ADP Security Committee shall investigate and recommend corrective action to the appropriate agency.

#### **11. INSURANCE COVERAGE:**

The Contractor agrees to procure and maintain, while the contract is in effect, Workers Compensation and Employee's Public Liability Insurance in accordance with Federal and State of California and/or Nevada laws. The Contractor shall be responsible for all damage to property, which may be done by him, or any employee engaged in the performance of this contract.

The Government shall be held harmless against any or all loss, cost, damage, claim expense or liability whatsoever, because of accident or injury to persons or property of others occurring in the performance of this contract.

Before commencing work under this contract, the Contracting Officer shall require the Contractor to furnish certification from his/her insurance company indicating that the coverage specified by FAR 52.228-5 and per FAR Subpart 28.307-2 has been obtained and that it may not be changed or canceled without guaranteed thirty (30) day notice to the Contracting Officer.

Contractor is required to provide copies of proof of Workers Compensation and Employee Public Liability Insurance within fifteen (15) calendar days after notification of contract award.

## **12. INVOICING & PAYMENT**

Contractor shall list in the space below the name(s) and Address of customer service department with whom the Government facilities shall place orders:

Company Name:
Address:
Phone No:
Fax No:
Contact Name:
Email:

The Contractor shall submit in arrears a properly completed itemized invoice in accordance with FAR clauses 52.212-4(g) Contract Terms and Conditions – Commercial Items via Tungsten Network, <http://www.tungsten-network.com/US/>.

Invoices submitted for payment shall be reviewed for accuracy and shall be subject to approval by the Government prior to issuance of payment.

The invoice **MUST** be itemized to include the following information.

1. Facility name and address where service was provided
2. Contract number
3. Purchase order number
4. Hours
5. Cost
6. Date

No advance payments shall be authorized. Payment shall be made on a monthly arrears for services provided during the billing month in arrears in accordance with FAR 52.212-4, para. (i) Upon submission of a properly prepared invoice for prices stipulated in this contract for services delivered and accepted in accordance with the terms and conditions of the contract, less any deductions stipulated in this contract.

Payment of invoices may be delayed if the appropriate invoices as specified in the contract are not completed and submitted as required.