

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

Acquisition Plan Action ID: VA260-18-AP-3264; 2237 # 663-18-2-048-0032

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/V797P-70175

☒ 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 a temporary agency to supply a Chief 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 were new as of July 8, 2015, and the salary being offered by the Government is not commensurate with industry practice making hiring under Human Resources difficult. As such, a long term contract will need to be completed and this short term bridge contract will allow enough time for contract award. All documents required for award of the long term contract have been submitted to NCO 20.

(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 1.0 Full Time Equivalent (FTE), for 3 months not to exceed 520 hours for the period of performance.

(b) ESTIMATED DOLLAR VALUE: \$\$80,40240

(c) REQUIRED DELIVERY DATE or PERFORMANCE PERIOD: 2/25/2018 – 5/24/2018

(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)).

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.

An acquisition for this service was competed in 2014. There was a lot of discussion and emails to get VA PSHCS Medical Center Director, the Service Line, and VA's National Health Physics Program, National Radiation Oncology Program agreement on a qualified candidate.

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.

During the period of performance of V797P-7114A VA260-15-F-0638, the customer tried to hire through Human Resources using the newly approved (7/8/2015) Qualification Standards. An attempt was made to direct hire but the attempt failed due to VA salaries not being competitive with the local market rates .

Only Federal Staffing Resources, LLC can provide the needed service because Federal Staffing Resources, LLC's employee's name is on VA PSHCS's radiation treatment machine. This happened as a result of the initial acquisition competition when Federal Staffing Resources, LLC's employee was approved by VA's National Health Physics Program, National Radiation Oncology Program. Failure to maintain services with this contractor would cause operations to shutdown temporarily while new contract staff are brought on board, oriented to equipment and their names added to certifications. This shutdown could result in delays in patient care and potentially increased costs to Community Care.

VA PSHCS needs short term Task Order in place to cover the gap between 2/25/2018 and when the VA can compete and award a new long term contract or receive new salary survey results that are competitive with local market rates.

This contractor's Therapeutic Medical Physicist's name is on VA PSHCS's machine registration.

☐ 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.

☐ 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.

☐ 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.

☒ 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.

The original FSS acquisition (VA260-14-Q-0965) was competed by emailing the Request For Quotations to five (5) GSA/FSS Schedule holder companies. Competition was based on the evaluation criteria of Technical Capability, Past Performance, and Price. Three companies responded. The original order (V797P-7114A VA260-14-F-0759) was NOT issued under sole source or limited source procedures. The expiring order (V797P-7114A VA260-15-F-0638) was issued under 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 2/24/2018. Considering the VA time needed to have agreement on qualified candidates, Credentialing and Privileging, and Security clearance, the cancer treatment program would be closed down on 2/25/2018 until a new Therapeutic Medical Physicist was either recruited/hired and brought onboard through HR or a new GSA/FSS Schedule holder competition was held 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.

(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. This company's candidate was one of only two candidates acceptable to the National Health Physics Program, National Radiation Oncology Program. Of the two acceptable to the National Health Physics Program, National Radiation Oncology Program, the Technical Evaluation Board stated this candidate was best for patient safety. This candidate and company were selected based on Best Value Trade Off considering the evaluation criteria of Technical Capability, Past Performance, and Price; and Federal Staffing Resources, LLC's price did not exceed the already approved NAC FSS rates.

(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 7/9/2015 (eCMS Briefcase P02 CO's Market Research). There are 21 NAC FSS holders; 12 companies have some level of Socio-Economic set-aside and two are Disabled Veteran owned Small businesses. The incumbent is a Small company; however, under this NAICS code it is a large business.

(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). This is dependant on receiving an adjusted salary survey that is competitive. There is phrasing in the PWS that the contractor Physicist will finish the current commitment assignment. If the VA hires someone else, the PWS allows the VA to cancel the contract with a 30-day notice.

(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 to a competitive level.

(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

2-13-2018
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.

Jackie L Merriman
126679

Digitally signed by Jackie L
Merriman 126679
Date: 2018.02.23 08:36:20 -08'00'

02/23/2018

Jackie L. Merriman
Contracting Officer
Network Contracting Office 20

Date

**Department of
Veterans Affairs**

Memorandum

Date: 22 February, 2018

From: COR, Hospital and Specialty Medicine (HSM) S-111

Subj: Addendum to Justification for Limited Source Justification AP# VA260-18-AP-3264

To: Network Contracting Office (NCO) 20

1. The following is provided as additional justification for the consideration of the limited source justification.
2. The original limited source justification was for a 6 month contract for \$160,804.60. This should be amended to a 3 month task order with the possibility of up to 6 months extension. Base cost would be \$80,402.40.
3. Part of the justification listed on the Limited Source justification states that only the current contract employee can provide services because their name has been added to the current radiation equipment certification. This is significant because listing the current Chief Therapeutic Medical Physicist by name is required in order for the Radiation Oncology Section to operate the equipment for use on patients. While other qualified Therapeutic medical physicists could be added to the equipment, with current time constraints to get a contract in place the VA Puget Sound would not have adequate time to allow for approval from VA's National Health Physics Program National Radiation Oncology Program if a different vendor was used.
4. After this short-term contract this contract will be fully competed and we will have adequate time to add new vendor employees to the equipment as necessary.

2/22/2018

X Chris Foster

Chris Foster
Program Manager/FAC-COR II
Signed by: people

Jackie L
Merriman
126679

Digitally signed by Jackie
L Merriman 126679
Date: 2018.02.23
08:38:33 -08'00'

Jackie Merriman, Contracting Officer