

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

6.302-1

Only One Source and No Other Supplies or Services Will Satisfy Agency Requirements

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Strategic Acquisition Center
10300 Spotsylvania Avenue, Suite 400
Fredericksburg, VA 22408

2. Description of Action: The Veterans Health Administration (VHA) is responsible for assuring all physicians who practice medicine in the Veteran Affairs Medical Facilities are authorized to do so. In accordance with Title 38 USC 7402(f), physicians may not practice in VA facilities if a single license has been terminated for cause or surrendered after written notification of potential for termination until such license is fully reinstated. This agency proposes to issue a sole source, firm fixed price (FFP) contract to the incumbent contractor to provide monitoring, licensing, and verification services on physicians practicing within the VHA on a nationwide basis. The incumbent contractor is The Federation of State Medical Board (FSMB). This proposed contracting action will be for one base year and four one year option periods.

3. Description of Supplies or Services: The proposed action is to provide monitoring, licensing, and verification services on physicians practicing within the VHA on a nationwide basis. Additionally, the FSMB will create a database from which the accounts of enrolled VA Physicians will be cross referenced and screened against a databank of medical board actions to verify any disciplinary reports. The contractor shall report to the VA any licenses currently or previously held that are known to the contractor to have disciplinary information. Additionally, orders reported to the Department of Health and Human Services office of Inspector General, the Department of Defense or licensing entities such as the American Medical Association will be provided to the VHA Credentialing and Privileging program director. The contractor shall provide the VHA Credentialing program director new reports on physicians that are enrolled in the database. This report shall be preceded by an email notice to the director. The contractor shall provide a copy of the enrollment data from their database to the VHA for updating and deletions by the VA credentialing authority. The total estimated value of this proposed action is \$550,000 (inclusive of options).

4. Statutory Authority: The statutory authority permitting other than full and open competition is 41 USC 2304(c)(1) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

5. Rationale Supporting Use of Authority Cited Above: The Federation of State Medical Boards (FSMB) of the United States was founded in 1912. The Federation's membership is comprises the medical boards of all the states, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands and 13 state boards of osteopathic medicine. The Federation Physician Data Center operates a nationally recognized system for collecting, recording and distributing to state medical boards and other appropriate agencies data on disciplinary actions taken against license physicians by the boards and other governmental

authorities. VHA is responsible for assuring that all physicians who practice medicine in VA facilities are authorized to do so. One authorization must be from one or more State licensing boards. Additionally, in accordance with Title 38 U.S.C. 7402(f), physicians may not practice in VA facilities if a single license has been terminated for cause or surrendered after written notification of potential for termination until such license is fully reinstated. VHA medical staff is diligent in their monitoring of physician licenses however the administrative effort required for this type of monitoring lacks quality assurance due to timeliness. In order for VHA Credentialing authority to obtain this information, it would need to go to each member board and initiate the request in a retrospective manner, state by state, in order to verify all current and previously held licenses to determine if licenses are in good standing within that state; while a physician is delivering care to our Nation's Veterans.

Through the services offered by the FSMB, VHA will learn of disciplinary actions in an expeditious manner. After researching methods for VHA to automatically be notified in the event of a pending or final action against one of the 45,000 physicians delivering care to our veterans, it has been determined that there are no other sources. The Federation of State Medical Boards' Disciplinary Alerts Service is unique in that they get immediate response to inquiry through their access to a real time database thus making it the only one of its kind. The accuracy and immediacy of this information is crucial to providing assurance that our veterans are receiving the best possible care.

6. Efforts to Obtain Competition: VA Market research was conducted, details of which are in paragraph 8, the market research section of this document. A Request for Information (RFI) was posted to the Federal Business Opportunity (FBO) website. This effort did not yield any additional sources that can meet the Government's requirements. There is no competition anticipated for this acquisition. Additionally, the proposed action will be synopsised on the Federal Business Opportunities Page in accordance with FAR 5.201.

7. Fair and Reasonable Price Determination: Price will be determined to be fair and reasonable based on current contract price and comparison to the Independent Government Estimate.

8. Market Research: Request for Information (RFI) was issued on July 11, 2019, via FBO to ascertain if there were any other sources that could meet the Government's requirements. No responses were received. The VetBiz.gov database was also queried with negative results. Additionally, GSA E-library was queried for possible sources with no results. Given these findings the Contracting Specialist concluded that FSMB is currently the only source that can provide the required services. This conclusion supports the findings of the VHA's Program Management Office.

9. Any Other Facts Supporting this Justification: None.

10. Listing of Other Interested Sources: None.

11. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be competed. This agency will work directly with the program office to perform market research in the hopes of finding alternate solutions.

12. Procuring Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

Mauricio Vazquez
Contracting Officer
Strategic Acquisition Center

13. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

Margarita (Rita) Barabash
Management & Program Analyst
VHA Office of Integrity
Medical Staff Affairs (C&P)

14. Competition Advocate and/or HCA: In my role as Competition Advocate and based on the foregoing justification, I hereby approve this acquisition on an other than full and open competition basis pursuant to the statutory authority cited in paragraph 4 above, subject to availability of funds, and provided that the services herein described have otherwise been authorized for acquisition.

Donald J. Jones
SAC Advocate for Competition
Strategic Acquisition Center
Department of Veterans Affairs

8/26/2019
Date
Competition Advocate
Tracking number DJ008