

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** The agency responsible for this acquisition is: The Department of Veterans Affairs, NCO 18 on behalf of the New Mexico VA Health Care System (NMVAHCS). The Contracting Officer for this procurement is Michael J. Tusinger. The Department of Veteran Affairs proposes to make a purchase on the basis of other than full and open competition to maintain accreditation with the Commission on Cancer through the American College of Surgeons (ACS). Purchase Request Number 501-12-4-593-0073.

2. **Nature and/or Description of the Action Being Processed:** This procurement is for a three-year period of performance. The resulting contract will be for a single fixed-price payment covering that multiple-year period to American College of Surgeons, 633 N St Clair, Ste 2600, Chicago, IL 60611.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The procurement is to pay the triennial accreditation fee of \$7,500.00 to maintain the NMVAHCS's standing as a VA Cancer Program with the ACS's Commission on Cancer (CoC). The accreditation site visit is scheduled for August 28, 2012. The NMVAHCS has maintained this accreditation this 1968. The VACO Cancer Program Office requires every VA Cancer Program to adhere to the accreditation standards set by the CoC and strongly supports full accreditation. The ACS CoC establishes standards to ensure quality, multidisciplinary, and comprehensive cancer care delivery in health care settings and monitors accredited programs to assess compliance with those standards. They currently accredit the VA Cancer Programs at 54 VA Medical Centers nationwide.

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c) (1), as implemented by FAR 6.302.1

- (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- (2) Unusual and Compelling Urgency per FAR 6.302-2;
- (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- (4) International Agreement per FAR 6.302-4
- (5) Authorized or Required by Statute FAR 6.302-5;
- (6) National Security per FAR 6.302-6;
- (7) Public Interest per FAR 6.302-7;

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 ACS CoC is the only accrediting body for cancer programs that establishes standards for health care settings, conducts surveys to assess compliance with those standards, collects standardized data from accredited programs to measure cancer care quality, uses data to monitor treatment patterns and outcomes and enhance cancer control and clinical surveillance activities, and develops effective educational interventions to improve cancer prevention, early detection, cancer care delivery, and outcomes in health care settings. They have

specific and thorough knowledge of the multidisciplinary activities related to comprehensive health care delivery. They offer access to education resources and databases pertaining to cancer prevention, early detection, and cancer care delivery and outcomes in health care settings. Accreditation of the NMVAHCS Cancer Program affirms the level of care provided to the Veteran population. Access to the numerous resources available provides improved care and quality of life, while participation in the CoC data collection activities enhances the body of knowledge for cancer care best practices, furthering the VA's mission to provide the highest quality of care to our Veterans.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: Accreditation of cancer programs is not available from any source other than the ACS CoC; nor is any other accreditation recognized by the VACO Cancer Program office.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The anticipated total dollar amount of the three-year fee is \$7,500.00. Since there are no other cancer program accrediting bodies or agencies, direct price competition is not available to establish price reasonableness as suggested by FAR 13.106-3. However, it is possible to compare the pricing of the anticipated fee with similar fees in related industries and enterprises in order to establish both reasonableness and price realism. By signing this justification, the Contracting Officer makes a determination that the fee charged to this government is fair and reasonable and in keeping with the fees charged to private sector health care institutions.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: FAR Part 10 directs that market research be conducted on each acquisition appropriate to the circumstances. Because this was presented by the requestor and undertaken as sole-source procurement, market research was conducted to confirm that there are no other possible agencies or professional bodies to provide comparable accreditation of the NMVAHCS Cancer Program. No other possible enterprises were found and multiple Internet searches confirmed that the ACS CoC is the only accrediting body available.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: The only alternative to obtaining accreditation through the ACS CoC is to forego accreditation of the NMVAHCS Cancer Program. That would be a violation of the policy set forth and supported by the VACO Cancer Program Office; losing the accreditation after an uninterrupted 44 years of accreditation would damage the public image of the NMVAHCS and cause harm to the standing of that institution, and subsequently, to the Veterans served by the NMVAHCS Cancer Program.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: See Section 2 above.

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: The goal of the NMVAHCS is to provide efficient and affordable health care to our Veteran patients throughout New Mexico. Accordingly, if any other national accrediting bodies become available, and are endorsed by the VACO Cancer Program Office, that availability will provide an opportunity to solicit this requirement on a competitive basis.

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.

Katherine M. Benson

Katherine M. Benson
COR - Education
New Mexico VA Health Care System

07/19/2012

Date

13. Approvals in accordance with FAR 6.304

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

Michael J. Tusinger

Michael J. Tusinger
Supervisory Contract Specialist
NCO18, West Texas VAHCS

7/25/2012

Date

b. **VISN/PCA QA (Required \$3K and above):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Paulette Pereira

VISN/PCA QA (Required \$3K and above)

Paulette Pereira
Procurement Analyst
NCO18, Southern Arizona VAHCS

REVIEWED

By: WIAV18Pereira at 8:00 am, 7/20/12

Date

c. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

Sabrina J. Smith

Sabrina J. Smith
Network Contract Manager
VISN/NCO 18

8/13/2012
Date

d. **SAO QA (If over 500K):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name
Title

Date