

Request for Contract

A. Project Identification

B. Purpose of Contract

The National Institute for Occupational Safety and Health (NIOSH) Office of Compensation Analysis and Support (OCAS) is responsible for conducting individual dose reconstructions on employees of the Department of Energy (DOE) and its predecessor agencies, its contractors and subcontractors, and Atomic Weapons Employers (AWEs) under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA). To support NIOSH's role under EEOICPA, OCAS has retained the services of a contractor to assist in the implementation of a number of major program elements. Under EEOICPA a federal advisory board, the Advisory Board on Radiation and Worker Health (Advisory Board), is required to review the scientific validity and quality of the dose reconstructions conducted by NIOSH, the methods for dose reconstruction, and the Special Exposure Cohort (SEC) petitions. To support the Advisory Board, the Department of Health and Human Services (HHS) requires the services of a contractor(s) to assist in the implementation of a number of tasks related to independent review of the dose reconstruction process.

C. Background and Need

In October 2000, Congress and President Clinton enacted EEOICPA, establishing a federal compensation program for employees of the DOE, its contractors and subcontractors, and Atomic Weapons Employers (AWEs). On July 31, 2001, covered employees with cancer, beryllium disease, or silicosis that may be related to work at nuclear weapons production programs of DOE and its predecessor agencies began applying to the Department of Labor (DOL) under the procedures and requirements of 20 CFR Part 30 for lump sum cash benefits of \$150,000 and medical benefits. Also, EEOICPA establishes a Special Exposure Cohort (SEC) consisting of employees with 22 specific cancers who worked at three named DOE facilities or participated in certain nuclear tests and who meet certain other requirements. These employees' cancers are presumed to be radiation related. The EEOICPA permits other groups of employees to petition NIOSH to be added to the SEC.

For most employees with cancer, EEOICPA and the DOL regulation require a determination by DOL that the cancer was "at least as likely as not" related to the occupational radiation dose incurred by the employee. Criteria and guidelines for making this determination are established by EEOICPA. On May 2, 2002, The Department of Health and Human Services (HHS) published 42 CFR 81 as a final rule in the Federal Register (Vol. 67, No. 85). This rule will be used to determine the probability of causation for a claimant's cancer. To make this determination, DOL will request NIOSH to provide an estimate of the radiation dose received by the employee.

EEOICPA also established a Federal advisory board, The Advisory Board on Radiation and Worker Health (Advisory Board) which has as one of its charges the task of reviewing the scientific validity and quality of the NIOSH dose estimation and dose reconstruction efforts and review all Special Exposure Cohort (SEC) petitions.

NIOSH and DOL expect a large number of cancer claims under EEOICPA in the initial five to ten years, many of which will require NIOSH dose estimates. More than 650,000 workers have been employed by DOE and its contractors and subcontractors, not including the employees of the AWEs. Estimates of the number of cancer claims range greatly from 8000 to 12,000 in the initial year to 10,000 to 20,000 annually in early peak years.

On May 2, 2002, HHS issued 42 CFR Part 82 as a final rule that describes the general methods which NIOSH will be required to use in estimating occupational radiation doses under EEOICPA (Federal Register Vol. 67 No. 85). These proposed methods are designed to provide fair and efficient processing of high volume of dose reconstructions. NIOSH will seek to obtain from DOE dosimetry and relevant records and information on a facility or site-wide basis across the DOE facility complex to reduce the volume of records and information that would need to be collected (at greater expense of time and resources) for each individual claim. NIOSH has established a Microsoft SQL Server 2000 relational database management system to house these records. The database will include individual claimant data, 'site profile' data and 'worker profile' data.

NIOSH has retained a Dose Reconstruction contractor to provide technical support over the next five (5) years for dose estimation, dose reconstruction and evaluation of SEC petitions on the scale expected under EEOICPA (NIOSH Contract No. 2002-N-00201). This contract award is available on the NIOSH OCAS web site (www.cdc.gov/niosh/ocas).

In addition, HHS requires technical support for the Advisory Board on Radiation and Worker Health to conduct the review of the dose reconstruction process. The purpose of this procurement is to obtain the services of a contractor(s) to assist the Advisory Board in the review of the NIOSH OCAS dose reconstruction program. HHS may obtain the services of one or more contractors to fulfill the scope of work, with tasks assigned by the contracting officer in conjunction with the requirements established by the Advisory Board.

D. Period of Performance

One year plus four (4) one-year options for renewal.

E. Incremental Funding of Cost Reimbursement Contracts

Each task issued under this contract will be individually funded. Incremental funding will be task-dependent.

F. Project Planning

The project funding for this contract is not to exceed \$xxx for the first year of the contract. Award may be made to one or more proposers.

G. Reference Material

- a. The Energy Employees Occupational Illness Compensation Program Act (EEOICPA), Public Law 106-398 (October 30, 2000)
- b. Executive Order 13179
- c. Title 20 U.S. Code of Federal Regulations Part 30
- d. Privacy Act of 1974 (Title 5 U.S. Code of Federal Regulations Part 552a).
- e. Federal Register Volume 67, No. 85, 42 CFR Part 81, Guidelines for Determining the Probability of Causation Under the Energy Employees Occupational Illness Compensation Program Act of 2000, Final Rulemaking, May 2, 2002, pp. 22296 – 22314.
- f. Federal Register Volume 67, No. 85, 42 CFR Part 82, Methods for Radiation Dose Reconstruction Under the Energy Employees Occupational Illness Compensation Program Act of 2000, Final Rulemaking, May 2, 2002, pp. 22314 – 22336.

H. Technical Proposal Instructions

The Technical Evaluation Criteria are described in Attachment A. All proposals will be reviewed by a Technical Review Panel (see section P below). The Review Panel will present their justification for contractor(s) selection to the Advisory Board prior to contract award.

I. Relative Weighting of Cost and Technical Proposal

In the evaluation process, technical proposals and cost or price will be of approximately equal value.

J. Incorporation of Technical Proposal

The successful Contractor(s) technical proposal will be made part of the contract.

K. Sources of Solicitation

Attachment B

L. Research and Development

Not Applicable

M. Identification and Disposition of Data

At the conclusion of the project any records provided by the government must be destroyed and/or returned to the Government.

N. Review of Data

All materials developed or information of any nature resulting from work performed under this contract will be submitted to NIOSH and to the Advisory Board for approval prior to publication or dissemination. Data obtained and materials developed under this contract shall only be used in the manner specifically prescribed in individual task orders. Uses other than those prescribed must be approved by the Project Officer prior to initiation of such activity.

O. Project Officer

James W. Neton, Ph.D., CHP

P. Technical Review Panel Members

- 1 Advisory Board Member – TBD
- 2.
- 3.
- 4.
- 5.

Q. Statement of Work

See Attachment C

R. Special Approvals, Clearances and Requirements

- 1. ADP Clearance
Not Applicable.
- 2. ADP System Security
Not Applicable.
- 3. Consultant Services

Not applicable. This procurement is considered not to be a consultant service type contract. The contract requires the successful offeror to provide services necessary to review dose reconstructions that are conducted for the specific purpose of evaluating a worker's internal and external exposure to ionizing radiation.

4. Evaluation Contracts

Not applicable. This is not an evaluation project and no evaluation funds will be expended for this procurement.

5. Paid Advertising

Not applicable. This procurement does not request any paid advertising.

6. Printing

Not Applicable.

7. Fraud, Abuse and Waste

Not applicable. This procurement does not have as a specific and primary objective, the detection, prevention or reduction of fraud, abuse and waste in the HHS programs.

8. Paperwork Reduction Act

Applicable. Clearance will be obtained on a project-specific basis.

9. Contacts with Federal Employees

Not applicable. This procurement does not enter the Government into a contract between the Government and Government employees or between the Government and organizations that are substantially owned or controlled by Government employees.

10. Classified Contracts

Not Applicable.

11. Publications

Not applicable.

12. Public Affairs Services

Not applicable. The contract requires the successful offeror to provide services necessary to review dose reconstructions that are conducted for the specific purpose of evaluating a worker's internal and external exposure to ionizing radiation.

13. Audiovisual Services

Not applicable. No audiovisual products are to be acquired under this procurement.

14. Privacy Act

Applicable. A "Systems Notice" was published in the Federal Register on October 27, 1981 (Vol 46, No. 207, pages 52882-52884).

15. A-76 Review

Not applicable.

16. Human Subjects

Not Applicable.

17. Safety and Health

Not applicable.