

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval (J&A) For Other Than Full and Open Competition (>\$150K)

1. **Contracting Activity:** Department of Veterans Affairs, SAO West, VISN 18, El Paso Network Contracting Office (NCO) 18, 11495 Turner Road, El Paso, TX 79936. The purchase request number is 756-15-4-282-0115 and the contract number is VA258-14-D-0069.
2. The proposed action is a bilateral modification (P00001) using FAR 52.217-8 Option to Extend Services clause against existing contract VA258-14-D-0069 for a (6) six month extension on the basis of justification for other than full and open competition for the Department of Veterans Affairs, El Paso, TX VA Healthcare System, 7000 North Piedras, El Paso, TX 79930.
3. **Nature and/or Description of the Action Being Processed:** This is a request for a sole source modification (Modification P00001) to the current contract VA258-14-D-0009 with Southwest Retina Consultants, 1700 Curie Drive Ste 3800, El Paso, TX 79902, to continue providing retinal ophthalmology services, in support of the VA Department of Ophthalmology. The contract action will be a bilateral modification to the current firm fixed-priced, indefinite delivery contract. The modification is estimated at \$414,385.20 to be paid for via 1358 for (6) six months of services. The period of performance for this procurement will be from September 22, 2015 to March 21, 2016. The contractor shall continue providing Retinal Ophthalmology Services for all major retina procedures, surgeries, minor retina procedures, treatments and retinal laser surgeries that need to be performed by the contractor in an operating room setting or at the contractor's facility. The procedures and services include scleral buckle, vitrectomy, epiretinal membrane peel, air-fluid exchange, lensectomy, drainage of subretinal fluid, drainage of choroidal fluid, macular hole repair, retinal detachment repair, placement or removal of silicone oil, membrane peel, removal of vitreous hemorrhage, removal of retained nuclear fragments, injection of intravitreal antibiotics or anti-inflammatory agents, endo-retinal destructive laser, retinal vitreous implants, endo-cyclophotocoagulation, cryotherapy, PC for Diabetic Retinopathy/Pan retinal photocoagulation laser treatments, photodynamic therapy, verteporfin injections, paracentesis of anterior chamber, PC for Macular Edema, pneumatic retinopexy by injection, Indocyanine Green Angiography (ICG), Fluorescein Angiography, Fundus photography, Ophthalmic Computerized Scanning, B-Scan (ultrasonography), Lucentis/Avastin/Macugen/Eylea, and any other diagnosed retinal care and treatment procedures.
4. **Statutory Authority Permitting Other than Full and Open Competition:** *41 USC §253(g), as implemented by FAR 6.302-1;*
  - (X) (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):**

**Only One Responsible Source:** This sole source (6) six month extension with Southwest Retina Consultants is needed so that all major retina procedures and surgeries for the El Paso VA can continue being performed in a hospital/operating room setting. These services are for veterans whose medical needs require further sub-specialty consultee evaluations, diagnostic testing, clinical treatments and hospital based surgical care. These important subspecialty services cannot be rendered at the El Paso VA because the Department of Ophthalmology does not have a Retinal Specialist on staff or the required ophthalmic diagnostic and surgical equipment for these services.

El Paso VA does not have any alternative sources for these services at this time. There is a sharing agreement with William Beaumont Army Medical Center (WBAMC) however they are not able to perform these types of sub-specialty evaluations, care and treatments due to their workload, lack of sub-specialty staff and/or capability. Additional research was also performed with the TriWest representative for El Paso area Patient Centered Care Contractors (PC3) however the current Ophthalmologists on PC3 contract do not have the retinal specialty to perform the services needed.

If this extension is not approved, approximately 1,112 Veterans will be negatively affected. This could result in many El Paso area veterans to be left without specialized retinal care and treatment that may eventually lead to loss of vision. At this time there are no known doctors providing this sub-specialty in the El Paso area; the closest VA is 270 miles in Albuquerque, NM which is already over its own capacity and unable to accept El Paso patients.

A sources sought notice (VA258-15-N-0273) was issued on February 23, 2015 in FBO.gov to conduct market research on Ophthalmology (with Retinal specialty) Off-Site Services and there were only 2 responses received from the incumbent and a small business (SB), however the SB stated he was interested in providing a locum for on-site services at the VA; instead of off-site as required by the announcement.

This research indicates that at this time there is only one responsible source, Southwest Retina Consultants, who can continue to provide the specialized services for El Paso VA veterans while a long term solicitation is issued and awarded.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A sources sought notice (VA258-15-N-0273) was issued on February 23, 2015 in FBO.gov to conduct market research on Ophthalmology (with Retinal specialty) Off-Site Services and there were only 2 responses received from the incumbent and a small business (SB), however the SB stated he was interested in providing a locum for on-site services at the VA instead of off-site as required by the announcement.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The incumbent has agreed to keep their current prices for the modification as awarded under VA258-14-D-0009, which was awarded competitively and determined fair and reasonable at the time of award in September 2014.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted, a sources sought notice (VA258-15-N-0273) was issued on February 23, 2015 in FBO.gov to determine the acquisition strategy for the long term follow-on solicitation for Ophthalmology (with Retinal specialty) Off-Site Services. There were only 2 responses received from the incumbent and a small business (SB) however the SB stated he was interested in providing a locum for on-site services at the VA; instead of off-site as required by the announcement.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** N/A
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Integrative Consulting Solutions did express interest in the long term solicitation and responded to the sources sought notice (VA258-15-N-0273), however when contacted he expressed interest in providing locum services for on-site services instead of off-site services as required by the announcement.
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:**

Currently the acquisition plan is in the review process for the long term requirement to be followed by an unrestricted competitive solicitation (VA258-15-R-0298) to be issued on/about November 2015 for award in March 2016.

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.

*L. Chay M.D. Chief of Surgery*  
Susan L. Parks,  
M.D. Chief of Ophthalmology  
El Paso, TX VA Healthcare System

9/16/2015  
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.

Valeria Gutierrez  
310245

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Valeria Gutierrez,  
Contracting Officer  
VISN 18, NCO/SAO-West

\_\_\_\_\_  
Date

b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.

KELLY M.  
DODSON 185769

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Sabrina J. Smith  
Network Contract Manager  
VISN 18, NCO/SAO-West

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