

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, SAO East – NCO4, 1010 Delafield Rd. – Bldg. 70, Rm. 2A-229, Pittsburgh, PA 15215.
2. **Nature and/or Description of the Action Being Processed:** The proposed creation of a Fixed Price Indefinite Delivery/Indefinite Quantity (IDIQ), three (3) month interim contract for Orthotics services to allow for modification under award number VA244-16-D-0041.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Orthotics services provide Veterans with medical devices that are custom fitted to portions of the body to influence motion by assisting, resisting, blocking, or unloading part of the body weight. The services are provided to eligible Veteran patients on an inpatient and outpatient basis.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (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):** Due to the size and complexity of the new competitive procurement, the VA Pittsburgh Healthcare System's (VAPHS) Orthotics contract was extended with the incumbent contractor, Delatorre Orthotics & Prosthetics, Inc., under a bridge contract until 29 February, 2016. However, this did not prove to be enough time to complete a competitive action for a long term contract. Currently there is no contract in place to maintain these services after 29 February, 2016. Orthotics services aid in daily functions and provide a quality of life to Veterans that rely on it. Delatorre Orthotics & Prosthetics, Inc. has a proven track record of successfully providing these services to the VAPHS. Delatorre's intimate knowledge of the Pittsburgh VAPHS patients, company's equipment and facilities, and current experience with the Pittsburgh VAPHS give them the unique ability to continue functioning in this capacity while the current competitive procurement is being completed. Creating a modification for three (3) months to the current Fixed Price IDIQ, would provide for a continuity of operations and prevent the potential cost of disrupted services support.

A long term contract solicitation, VA244-15-R-0331, is currently in pre-solicitation review. The reviews include CRB and legal reviews. Anticipated award date for the long term contract is 1 June, 2016.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A long term contract will be competed and will be issued as a small business set-aside on FBO. Creation of a three (3) month contract modification will allow for the completion of the competitive process for a long term contract.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost to the Government for this service is \$421,303.00. In accordance with FAR 13.106-3(2); comparison of the proposed price with prices obtained through market research and the information above is considered fair and reasonable, and is the best value to the Government. The comparison between similar contracts within the VA varies upon L-Code discounts proposed by each Contractor.
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 to locate contract awards for Orthotic services. Contract VA244-13-D-0514 was awarded on 1 October, 2012 for a base plus 4 option years, in support of 1 station. Contract VA244-15-D-0233 was awarded on 1 April, 2015 1 station as well. However, due to the size and complexity of the procurement, continued services with the current Contractor will be required up through 1 June, 2016. This makes it necessary to modify the current contract for a period of three (3) months.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The current contract period expires 29 February, 2016 with the incumbent. This is an extension of the current contract for administrative and continuity purposes. In addition, the contract modification will provide continuity of services if necessary for transfer of information and responsibilities to a new contractor.
10. **Listing of Sources that Expressed, in Writing, and Interest in the Acquisition:** None
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:** None
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.

Name: Carol McAfee
Title: Program Leader, Prosthetics Division
Facility: VA Pittsburgh Healthcare System

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.

Name: Herbert Byrns

Date

Title: Contracting Officer

Medical Support Services (Med 2)

Facility: Pittsburgh VA Healthcare System – NCO 4

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

Name: Kristina Weir

Date

Title: Branch Chief, Medical Support Services (Med 2)

Facility: Clarksburg VAMC – NCO 4