

**DEPARTMENT OF VETERANS AFFAIRS**

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

Acquisition Plan Action ID: VA242-17-AP-3406

1. **Contracting Activity:** Department of Veterans Affairs, VISN 2  
Network Contracting Activity (2-90NCA)  
VA New Jersey Health Care System, East Orange Campus  
385 Tremont Ave, East Orange, NJ 07018  
2237# 561-17-2-425-0052
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the procurement of a dental lab services for the Dental Clinic at the VA New Jersey Health Care System, East Orange Campus. The dental lab services include: creation and repair of full and partial dentures as well as other oral prosthetics. The proposed contract action shall be provided by Mueller Oral Prosthetics, Inc. of 1910 Washington Valley Rd, Martinsville NJ 08836 from June 18, 2017 through September 30, 2017 with a firm fixed-price contract with a total cost estimated to be \$249,791.65.

**FAR13.5 Simplified Procedures for Certain Commercial Items:** This procurement is for \$249,791.65 in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The requested dental lab services include the following:
  1. Completed Dentures (One Arch)
  2. Cast Partial Denture w/2 Wrought Wire Clasps and 2 Saddles
  3. Cast Partial Denture w/2 Flex Clasps and 2 Saddles
  4. Acrylic Partial Denture w/2 Wrought Wire Clasps
  5. Biomet 3i partial
  6. Repair of various types of dentures.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
  - ( ) (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
  - (X) (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;

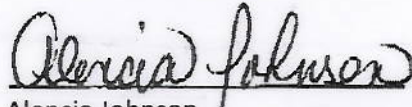
**FAR13.5 Simplified Procedures for Certain Commercial Items:** The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Through market research the Contracting Officer has a reasonable expectation that Mueller Oral Prosthetics, Inc, a verified SDVOSB, is the only SDVOSB able to meet the requirements of this procurement. As a result this procurement can be sole sourced to Mueller Oral Prosthetics, Inc, in accordance with FAR 19.1406 Sole Source Awards to Service-Disabled-Veteran-Owned-Business Concerns, FAR 6.302-5(b)(6) and 15 U.S.C 657f Veterans Benefits Act of 2003.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A search of Vetbiz using NAICs code "339116" and keywords "Dental lab" identified 18 possible SDVOSBs/VOSBs that could possibly meet the requirements of this procurement. A review of each of the 18 vendor profiles identified that only one SDVOSB vendor Mueller Oral Prosthetics, Inc. that could provide all of the required services and operated within the state of New Jersey.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The unit pricing of quotes by Mueller Oral Prosthetics, Inc. was compared to its published price list. The unit prices quoted by Mueller Oral Prosthetics, Inc. for this requirement are equal to or lower than the published price list, therefore considered fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** See block 6
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** This sole source award is IAW 15 U.S.C 657f Veterans Benefits Act of 2003.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**  
Mueller Oral Prosthetics, Inc., a SDVOSB
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, this sole source procurement is authorized by 15 U.S.C 657f Veterans Benefits Act of 2003.



Chapter VI: Other Than Full and Open Competition (OFOC) SOP  
Attachment 3: Request for Sole Source Justification Format >\$150K

- 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.

  
Alencia Johnson  
Dental Assistant  
East Orange VA Medical Campus

6/13/17  
Date

**13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.**

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

\_\_\_\_\_  
Michael Spivack  
Contracting Officer  
NCO2, Services Team I

\_\_\_\_\_  
Date

- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Hope Freeman  
Division Chief  
NCO2

6/21/17  
Date

- c. **VHA SAO HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$13.5 million) or approve (\$700K to 13.5 million) for other than full and open competition.

N/A \_\_\_\_\_  
Name  
VHA Head of Contracting Activity (HCA)

\_\_\_\_\_  
Date

Chapter VI: Other Than Full and Open Competition (OFOC) SOP  
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- d. **VA Deputy Senior Procurement Executive Approval (over \$13.5 million but not exceeding \$68 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

N/A \_\_\_\_\_ Date \_\_\_\_\_  
Name \_\_\_\_\_  
Deputy Senior Procurement Executive (DSPE)  
Office of Acquisition and Logistics  
Department of Veterans Affairs

- e. **VHA Senior Procurement Executive Approval (over \$68 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

N/A \_\_\_\_\_ Date \_\_\_\_\_  
Jan R. Frye  
Deputy Assistant Secretary for Acquisition and Logistics  
Senior Procurement Executive (SPE)  
Department of Veterans Affairs