



DEPARTMENT OF VETERANS AFFAIRS
Office of Acquisition Operations
Strategic Acquisition Center – Frederick
321 Ballenger Center Drive, Suite 125
Frederick, MD 21703

Justification and Approval for Other than Full and Open Competition
6.302-5 – Authorized or required by statute

1. Identification of the agency and the contracting activity.

This Justification and Approval (J&A) for Other Than Full and Open Competition is executed by the Strategic Acquisition Center in Frederick, Maryland on behalf of the Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA) Chapter 31 Vocational Rehabilitation and Employment Service Division (VR&E).

2. Nature and/or description of the action being approved.

This action is a non-competitive award (sole-source) with The Consolidated Rehab Group, Inc. (TCRG), a Service-Disabled Veteran-Owned Small Business (SDVOSB), for the procurement of continued contractor support in the following areas: (1) Initial evaluation; (2) Case management services; and (3) Job placement services to assist the Veteran in finding and maintaining suitable employment. The objective of the contract is to assist Service member/Veterans to obtain and maintain suitable employment. This sole source is necessary because the current contractor providing services to station 377, San Diego, will no longer be able to provide services after the base year, and The Consolidated Rehab Group, Inc. (TCRG) is providing Chapter 31 services for station 344, Los Angeles, and previously proposed on station 377, San Diego. Chapter 31 services are a high priority initiative. Risk to the VBA team would be inordinate with task order termination, and the prudent course is to not to compete this requirement but to modify the task order for station 344, Los Angeles, to include station 377, San Diego until the final period of period of performance (March 22, 2021).

3. A description of the supplies or services required to meet the agency's needs (including the estimated value).

The proposed action is to provide 4 years Chapter 31 VR&E services for station 377, San Diego. This mitigates risk to VA and allows the VBA to provide continued Chapter 31 benefits to our Veterans.

The Department of Veterans Affairs (VA) has authority, pursuant to Title 38 USC Chapters 18, 31, 35 and 36, to provide all services and assistance necessary to enable eligible Veterans with service-connected disabilities to obtain and maintain suitable employment and, if not employable, achieve independence in daily living to the maximum extent feasible. To accomplish this responsibility, the Vocational Rehabilitation and Employment Service Division (VR&E) within each Veterans Benefit Administration (VBA) Regional Office's (RO) jurisdiction undertakes an initial evaluation of the Servicemember/Veteran to determine his or her entitlement for these services and assist and develops, in cooperation with the Servicemember/Veteran, an Individualized Written Plan of Services. Rehabilitation plans include: an Individualized Written Rehabilitation Plan (IWRP) that outlines training and job



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placement services needed to achieve employment goals; an employment placement under an Individualized Employment Assistance Plan (IEAP); an Individualized Extended Evaluation Plan (IEEP) to determine feasibility for employment; or if employment is not possible, services to enhance the Veteran's independence in daily living under an Individualized Independent Living Plan (IILP).

The VA is charged with providing assistance to Veterans with service-connected disabilities through VR&E services. In order to assure services in close geographic proximity to Veterans and to provide timely services when staff turnover occurs, Contractor assistance may be required to supplement VR&E services. Specialized services may also be required to complement services typically provided by VBA Staff.

In order to provide these services, VR&E requires Contractor assistance in the following areas: (1) Initial evaluation; (2) Case management services; and (3) Job placement services to assist the Veteran in finding and maintaining suitable employment. The objective of the contract is to assist Servicemember/Veterans to obtain and maintain suitable employment.

Services to be performed under the terms and conditions of the contract are restricted to the major rehabilitation track for those Servicemembers/Veterans whose primary rehabilitative objectives include: (1) Training and/or employment services resulting in employment suitable to the individual's aptitudes, abilities, and interests; or (2) Achievement of independence in daily living in the event a feasible vocational goal cannot be obtained.

The rehabilitation objective for a Veteran in an employment and/or training track is successful placement in suitable competitive employment and completion of work experience, training, or instruction of a vocationally significant nature to assist the Veteran to achieve such employment. Emphasis shall be placed upon assistance designed to assure that the Veteran obtains and maintains suitable employment. The following training, rehabilitation pursuits, and employment needs must be provided by the Contractor: 1) Vocational assessment and testing; 2) Career exploration and development of appropriate rehabilitation plans; 3) Vocational counseling and case management; 4) Assistance in using VA services, and referrals to appropriate community services such as State Vocational Rehabilitation programs; 5) Job readiness assessment and services designed to enhance employability; employment referral, resume, and application services; and 6) Placement and post-placement services.

The rehabilitation objective for a Veteran for whom the achievement of a vocational goal has been determined to be infeasible is: (1) To enable the Veteran to achieve independence in daily living; or (2) To reduce the level of assistance required from others. The Contractor, in the case of an individual found by the VA to qualify for a program of independent living service, shall assess and recommend all services and assistance necessary to enable the Veteran to achieve maximum independence in daily living.



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The total value of the proposed action is \$2,000,000.00; the period of performance is from March 23, 2018 to March 22, 2019 or 2022.

This increase is required because the original awardee for station 377, San Diego, cannot continue providing services after the base year and will not exercise Option Period I beginning on March 23, 2018.

4. An identification of the statutory authority permitting other than full and open competition.

The statutory authority permitting other than full and open competition for this procurement is Public Law (PL) 109-461, Veterans First Contracting Program, as codified at 38 U.S.C. 8127 and 8128 and implemented at Veterans Affairs Acquisition Regulation (VAAR) Subsection 819.7007.

5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

38 U.S.C. 8127(c) permits a contracting officer to award a contract to a Center for Verification and Evaluation (CVE) verified SDVOSB using procedures other than competition if:

- (1) such concern is determined to be a responsible source with respect to performance of such contract opportunity;
- (2) the anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 134 of title 41) but will not exceed \$5,000,000; and
- (3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

The proposed action meets all three of the requirements of 38 U.S.C. 8127(c). First, The Consolidated Rehab Group, Inc. (TCRG) has been verified by CVE as owned and controlled by a service-disabled veteran. The Consolidated Rehab Group, Inc. (TCRG) provides acquisition, administrative, compliance, and information technology support services to Government agencies. Further, The Consolidated Rehab Group, Inc. (TCRG) has successfully provided services to the VA similar to the required services for approximately four years. The Consolidated Rehab Group, Inc. (TCRG) is also registered in the System for Award Management (SAM) as an SDVOSB under the applicable North American Industry Classification System (NAICS) code. As such, The Consolidated Rehab Group, Inc. (TCRG) is determined to be a responsible source with respect to performance of this opportunity.

Second, the anticipated award price of the contract is \$2,000,000.00 and, therefore, does not exceed the statutory threshold of \$5,000,000.



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Finally, the contracting officer estimates that the award can be made at a fair and reasonable price that offers best value to the United States. The VA possesses ample historical pricing information that can be used to determine whether the proposed price is fair and reasonable and, depending on the contracting officer's analysis of the proposed price, to further negotiate the proposed price. Further, The Consolidated Rehab Group, Inc. (TCRG) has already competed and has been awarded a contract with the VA for similar services; it is likely that it will again be able to submit an offer providing the best value to the Government. Most importantly, the contracting officer will not award a contract without first determining that the proposed price is fair and reasonable and the offer represents best value.

6. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies.

In accordance with 819.7007(b), the determination to make a sole source award to an SDVOSB is a business decision wholly within the discretion of the contracting officer; therefore, the requirement to ensure that offers are solicited from as many potential sources as practicable is not applicable to this procurement. In addition, 819.7007(c) further authorizes the contracting officer to make the award without first determining that only one SDVOSB source can meet the requirement.

A notice of the proposed action will be synopsized via the Government Point of Entry (GPE) in accordance with FAR Section 5.201, and the agency will make publicly available the justification required by 6.305(a) within 14 days after contract award.

7. A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

No award shall be made until the Contracting Officer determines the costs to the Government to be fair and reasonable. This determination will be based on the historical pricing data agreed to in one or more VA contracts for the same or similar services.

8. A description of the market research conducted (see Part 10) and the results or a statement of the reason market research was not conducted.

Market research was conducted using CVE's Vendor Information Pages (VIP) database to ensure that The Consolidated Rehab Group, Inc. (TCRG) is verified by CVE as an SDVOSB. The VIP search confirmed that The Consolidated Rehab Group, Inc. (TCRG) is verified by CVE. In addition, The Consolidated Rehab Group, Inc. (TCRG) has been determined to be responsible, and is registered in the SAM as a small business under the relevant NAICS code.

9. Any other facts supporting the use of other than full and open competition.



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The FAR allows restrictive provisions or conditions to the extent necessary to satisfy the needs of the agency or as authorized by law (FAR Subsection 11.002(a)(1)(ii)). As such, the Government has discretion to reasonably restrict competition as long as that requirement is needed to meet the agency's minimum need.

10. A listing of the sources, if any, that expressed, in writing, an 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 any subsequent acquisition for the supplies or services required.

The VA is currently in the base year of a requirement for a long-term, competitive contract for the same services. The sole-source contract will be for four years to permit the transition of the required services to the long-term contract.

12. Certifications / Signatures.

Technical Representative Certification:

Pursuant to FAR Subsection 6.303(c), I certify that any supporting data that is my responsibility and which forms a basis for the justification is complete and accurate to the best of my knowledge and belief.

Carolyn A. Thomas

Carolyn A. Thomas

02/06/2018

Date

Contracting Officer Certification/ Approval:

Pursuant to FAR Subsection 6.303-2(b)(12), I certify that this justification is accurate and complete to the best of my knowledge and belief and approval is thus provided.

Tara Flores

Contracting Officer

Strategic Acquisition Center – Frederick

3/8/2018

Date

Agency Competition Advocate Certification/ Approval:



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The Agency Competition Advocate signature below meets the justification approving authority requirements in accordance with FAR 6.304, Approval of Justification, and FAR Section 13.501(a)(2)(ii). Proposed contract amount is over \$700,000 but not exceeding \$13.5million.

Clint Druk
Agency Competition Advocate
Office of Acquisition Operations

Date