

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>SAT)**

Acquisition Plan Action ID: 36C259-19-AP-5493

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 19, 6162 South Willow Drive, Greenwood Village, CO 80111.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for the establishment of a sole source Firm-fixed price Indefinite-Quantity contract for a for optical services to include measuring, fitting, adjusting eyeglasses and providing frames and lenses for VISN 19, Oklahoma City VA Health Care System and Eastern Oklahoma VA Health Care System (Muskogee). These services were being provided under an NCO-16 contract. The current contract option expires on 31 October 2019. However, the VISN 16 contract, VA256-15-D-0030 actually expired in Oct 2016 due to contracting authority executing 52.217-8 Option to Extend Services prior to exercising any options under 52.217-9 Option to Extend the Term of the Contract.

FAR13.S Simplified Procedures for Certain Commercial Items: This procurement is for optical services to include measuring, fitting, adjusting eyeglasses and providing frames and lenses 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:** This procurement is for optical services to include measuring, fitting, adjusting eyeglasses and providing frames and lenses. The contractor shall also provide opticians at designated VA locations in accordance with the Statement of Work. The Government anticipates awarding a Indefinite Quantity contract for a base period of 6 months from 01 Oct 2019 thru 31 Mar 2020 and a 6-month option period, from 01 Apr 2020 thru 30 Sep 2020. The estimated value for this IDC is \$2,000,000.00

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;
- ☒ (X) (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;

FAR13.S Simplified Procedures for Certain Commercial Items:

The proposed contract action is for supplies and services for which the Government intends to solicit and negotiate with only one source under the authority of FAR 6.302. The current requirement is for the fabrication of the glasses and for the fitting of the glasses. Interested persons may identify their interest and capability to respond to the requirement or submit proposals. This notice of intent is not a request for competitive proposals.

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

Both Oklahoma City VA Health Care System and Eastern Oklahoma VA Health Care System (Muskogee) Veterans Affairs Medical Center require a high-volume amount of eyeglasses fabrication. There are very few contractors that can meet this requirement without the additional cost of setup to provide eye glass kits to the Medical Centers and Community Based Outpatient Clinics currently being serviced. The facilities have multiple clinical sites that require optical services to measure, fit, repair and adjust eyeglasses. Without timely-provided proper eyeglasses, Veterans requiring corrective lenses due to their medical conditions present safety risks while performing daily activities.

Customer service for these services is a high priority. If these services are not provided timely, it will have a negative effect on Veteran care. The facility currently does not have a valid optical contract in place and has the potential to cause long delays and risks to the patients. In accordance with FAR 6.302-2 Unusual and Compelling Urgency, this requirement for eyeglasses will be sole sourced to PDS Consultants, who is the incumbent on the VISN 16 contract. They are currently meeting the needs of the associated VA Medical Centers in the area. Accordingly, PDS Consultants is the only firm capable of providing the services described in Section III above without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

Market Research was conducted by the Medical Facility. The facility contacted Action 1, Pearl Vision, and Wal Mart to see if they could handle the facility requirements. Due to the volume and the vast catchment area, none of the above vendors could meet the facilities' requirements. PDS Consultants is the incumbent contractor and has demonstrated the ability to meet the requirement for the facilities. A market research report was not conducted by contracting due to current time restraints to get the emergent contract in place. Market research by the facility has been accepted as appropriate. Adequate market research will be conducted for the long term eyeglass contract.

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:**

The Government will prepare a price schedule similar to the NCO-16 contract. The prices will be compared to the prices of the current contract to determine that anticipated costs will be fair and reasonable to the Government.

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 by the facility. Outside of the incumbent, no vendors capable of meeting the current workload were located. **Vendor Information Pages (VIP)** database at <https://www.vip.vetbiz.va.gov/> was researched and only two Veteran-owned vendors were located. It was determined that only one of these vendors could handle the volume required from both facilities. PDS, LLC's experience with several VA facilities and

<https://www.bustle.com/p/the-13-haunted-house-books-that-every-horror-lover-needs-to-read-18752868>
their ability to handle high volume production at a fair market price was noted. Vision Work, the second veteran owned business, was a small operation that would not be able to meet the volume of eyeglasses for this requirement.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Due to the urgency of this requirement, full and open competition cannot be accomplished. Patient care will be impacted substantially if full competition is utilized. Public trust in the VA's ability to fulfill its mission as well as patient care will be compromised.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** A sources sought has been posted that may generate future competition for this requirement. Due to the time constraint on this emergency procurement, a Sources Sought Notice will not be posted for this short-term contract.

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:**

The original contract was awarded under VISN 16. Since then, the Oklahoma City HCS and Eastern Oklahoma VAMC facilities have transitioned under VISN 19. All future requirements for both facilities will be coordinated through VISN 19 Contracting Office and attempts for competition will be made based on market research.

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.



Digitally signed by



13. Approvals in accordance with the VHAPM Part 806.3 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.

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- b. **One Level Above the Contracting Officer (Required over SAT but not exceeding \$700K)**: I certify the justification meets requirements for other than full and open competition.

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- 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 \$68 million) or approve (\$700K to \$68 million) for other than full and open competition.

A large rectangular black box used to redact the signature of the VHA SAO HCA Review and Approval official.