

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Exception to Fair Opportunity Memo

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 17, 2301 E. Lamar Blvd, Arlington, TX 76006. Items will be purchased for the Central Texas Veterans Health Care System (CTVHCS) and the Purchase Request number is 674-13-1-029-0001. The Contracting Officer for this procurement is Ms. Shaundrica M. Close.
2. **Name and/or Description of the Action Being Processed:** This is a request for other than full and open competition. The proposed action is for eye cornea tissue necessary for continued uninterrupted delivery of direct patient care required by the CTVHCS. NCO 17 intends to negotiate and award a purchase order on a sole source basis to Lone Star Lions Eye Bank 102 East Wheeler Manor, TX 78653-0347.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This request for other than full and open competition is for receipt of transplantable Cornea Tissues from the Lone Star Lions Eye Bank. The cornea tissue is grafted or transplanted in Veterans to correct, enhance or improve the eyesight of Veteran patients. The contractor shall identify and evaluate potential donors. The tissue will be preserved and monitored until delivery. The medical facility has a reoccurring need for cornea transplanting in order to provide quality of life to Veterans in the community.

Estimated Cost: \$76,800.00

Estimated Delivery Date: 12/31/2012 - 12/30/2013

4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c) (1), 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 of the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Lone Star Lions Eye Bank is the CTVHCS source provider of transplantable human ocular tissues within the state of Texas. As with each state in the U.S., Lone Star Lions Eye Bank is Texas' donation bank for ocular tissue. The protocol for obtaining donated tissues outside of the state of Texas can only occur if supplies for a particular type of tissue are not available through Lone Star lions Eye Bank. If the bank within the state of Texas does not have the needed cornea the Lone Star facility will locate the correct cornea contacting other banks across America. Due to the nature of this requisition and the regulations of the U.S. Food and Drug Administration (FDA), procuring these donated tissues requires contacting the agency in the state in which the recipient resides. The CTVHCS must utilize Lone Star Lions Eye Bank because it is the governing facility.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The Government's efforts to stimulate competition was shown in its issuance of a fedbizopps notice on 12/20/2012. The purpose of the notice was to gain knowledge of interest, capabilities and qualifications of potential businesses able to provide the requirement. As a result of the posting, no interest was generated. The action was posted for 7 days.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer shall determine price reasonableness based on comparison of the proposed price with prices found reasonable on previous purchases for the same items. The requirements of FAR 15.406-2, Certificate of Current Cost or Pricing Data are not applicable to this acquisition.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The required items are commercial in nature and sold within the market. Market research was conducted by the Contracting Officer to determine if the items could be obtained from a mandatory source of supply. A market research survey was issued to federal supply schedule holders to determine if the items could be provided. The Contracting Officer only received negative responses. A search of Vetbiz and the national acquisition center contract catalog search tool yielded zero results. The required items are only available via the open market.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

Equipment in use at the CTVHCS is specifically designed to operate and interface with the corneas received from Lone Star Lions Eye Bank.

10. List of Sources that Expressed, in Writing an Interest in the Acquisition: There are no other vendors but the proposed.

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: There are no other actions that can be taken to overcome competition barriers at this time. The protocol for obtaining donated tissue outside of the state of Texas can only occur if supplies for a particular type of tissue are not available through Lone Star Lions Eye Bank.

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.

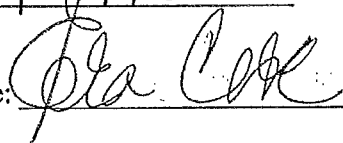
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Date:

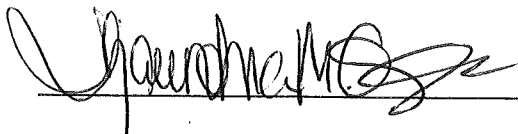
1/10/13

Title PROGRAM SPECIALIST

Signature:



13. Approvals in accordance with FAR 6.304:



SHAUNDRICA M. CLOSE

1/10/13
DATE

Contracting Officer

Network Contracting Office (NCO) 17

Service Area Office (SAO)-West

U.S. Department of Veterans Affairs

FIRST SUPERVISOR: I certify that the justification meets requirements for other than full and open competition. I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Mary B Accomando

CONTRACTING OFFICER'S SIGNATURE

MARY ACCOMANDO

Supervisor, NCO 17, SAO-W

4/23/13

DATE