

## Justification and Approval for Other than Full and Open Competition

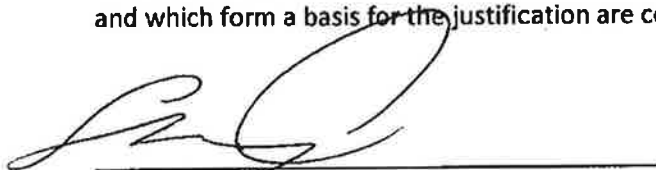
1. Contracting Activity: This Justification and Approval (J&A) for Other than Full and Open Competition is executed by the Strategic Acquisition Center- Frederick (SAC-F) Fredrick, MD, on behalf of the Department of Veteran Affairs (VA) Veteran Affairs Veterans Health Administration.
2. Description of Action: VHA St Cloud, MN – Surgery proposes to negotiate a noncompetitive award for Arthrex, Inc. Forefoot Fusion Module and Accessory Kit.
3. Description of Supplies or Services: The purchase of Qty 2, Ea Forefoot Fusion Module and Qty 2 Ea LPSS Screw and Accessory Kit \$142,746.00
4. Statutory Authority:  
The statutory exception permitting other than full and open competition for this acquisition is: 41 USC 235(c)(5), by FAR 6.302-1(a)(2)(ii). Only one source and no other supplies will satisfy agency requirements.
5. Demonstration of Contractor's Unique Qualifications: This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. This Arthrex Forefoot Bone Fusion set is compatible with our Synthes Systems for bone fragmentation. They provide the opportunity for numerous trauma and ambulatory applications. The modules are the only compatible fusions sets able to be used in conjunction with the current fragmentation sets used in the medical center. Arthrex fusion sets and Synthes plates and screws are currently being used at the St Cloud VAMC. These sets will expand the medical center's capability to treat foot trauma fractures by virtue of the compatibility with existing Synthes fracture sets. No other manufacturer if trauma equipment can provide compatibility with existing equipment.
6. Description of Efforts to Obtain Competition: Market research was conducted via the internet and GSA Advantage to determine availability of other brands of Bone Fusion kits which could be used interchangeably with the Synthes brand fragmentation sets currently in use. Also to determine if there was other contracts or multiple vendors which provided the brand name requested in an effort to maximize competition. No such vendors or brands were located. Examination of the manufacturer's website and telephone conversations with the manufacturer revealed there is no other distribution network for Arthrex Inc. products. The sole distributor for Arthrex, Inc is Gemini Medical a subsidiary of Arthrex, Inc.
7. Determination of Fair and Reasonable Price: The contracting Officer will determine prices to be fair and reasonable prior to award.
8. Market Research: See Item 6 Above.
9. Other Facts Supporting the Use of Other Than Full and Open Competition: This requirement is for the expansion and increase in the current capabilities of the current orthopedic surgery department at VHA St Cloud. Current procedures utilize Synthes, Inc. bone fragmentation kits. Only Arthrex brand fusion kits offer compatibility with the Synthes brand kits. To utilize another manufactures product would not

be compatible with the current resources in place and would incur much larger costs associated with the resupply of the entire orthopedic surgery department, re-familiarization and re-training of technicians and physicians.

#### Certifications

##### **Acquisition Initiator:**

I certify that the facts and representation under my cognizance, which are included in this justification and which form a basis for the justification are complete and accurate.




Shawn Oglesby  
Program Manager/COR



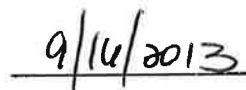
Date

##### **Contract Specialist Certification**

I certify that the facts and representation under my cognizance, which are included in this justification and which form a basis for the justification are complete and accurate.



Kimberly McLaughlin  
Contract Specialist



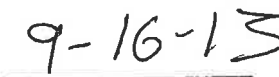
Date

##### **Contracting Officer Certification**

Pursuant to (FAR 6.302-2(a)(1)(ii)), I certify that this justification is accurate and complete to the best of my knowledge and belief.



Drake Russel  
Contracting Officer



Date