

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

**1. Contracting Activity:**

Network 23 Contracting Activity - Fargo, ND  
2101 N Elm Street  
Fargo, ND 58102

**Purchase Request Numbers:**

- 437-13-3-775-0199
- 437-13-3-775-0200
- 636-13-3-4154-0216
- 636-13-3-4154-0219

**2. Nature and/or Description of the Action Being Processed:**

A firm fixed price purchase order will be awarded for the amount of \$216,587.20 to American Medical Depot.

The justification for the brand name equipment is based on the VISN 23 decision to standardize surgical power tools. As confirmed by VISN 23 Biomedical Engineering, medical staff, and surgical departments at these two VISN 23 locations have standardized on the use of Stryker surgical power tools in order to maintain the highest possible standards of care, e.g. surgeons perform better when they consistently use the same high quality equipment.

The justification of the sole source is based on the fact that the brand name manufacturer, Stryker, has an exclusive agreement with its reseller, American Medical Depot (AMD). Under the terms of this agreement, AMD is the only authorized reseller to the US Government.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:**

Stryker surgical power tools, attachments and accessories including saws, drills, bits, blades, batteries, cases, sterilization kits, charging stations and other accessories. Major Components include:

<u>Manufacturer</u>	<u>Model</u>	<u>Quantity</u>	<u>Extended Price</u>
Stryker	System 6*	2	\$55,092
Stryker	Remb System*	2	\$50,322
Stryker	Driver 4	2	\$21,277
Stryker	Sabre Drill	2	\$13,252
Stryker	Core Drill	2	\$22,743

*\*Note: The Systems mentioned above a full suite of drills which include a dedicated Sagittal Hand piece, Reciprocal Hand piece, Oscillating hand piece, and Universal driver.*

The total estimated value of this acquisition is \$216,587.20.

**4. Statutory Authority Permitting Other than Full and Open Competition:**

41 USC §253(g), as implemented by FAR 6.302.1, only one Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

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

VISN is standardizing to using Stryker surgical power tools in operating rooms, this follow-on acquisition must be sole sourced due to the highly specialized nature of surgical operations. Consistency has been determined to be a key component to quality patient care. These additional surgical tools will augment an already existing suite of tools that are interchangeable and are designed to help increase equipment readiness and overall efficiency in the operating rooms.

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

This acquisition must be sole sourced, due to the existing distribution agreement between the manufacturer Stryker Inc. and the reseller, AMD. Within this agreement, AMD is currently the only authorized reseller of Stryker surgical power tool products to the US Government.

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

Estimated pricing is based on informational quotations provided by AMD. The anticipated pricing is determined to be fair and reasonable, based upon comparison with pricing from 3 recent VISN 23 orders that included many of the same items. A final fair and reasonable determination will be made prior to award using data from these three recent acquisitions.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

The market research report of this acquisition is on file. A copy is attached to this J&A. These Stryker tools are crucially important to the operating rooms in which they will augment

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:**

None

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

AMD and Stryker expressed an interest in this acquisition.

**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:**

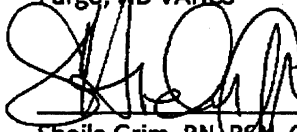
VISN 23 contracting will continuously monitor and reassess statements of "standardization." If ever a department is replacing the entire suite of tools, a competitive procurement will be issued.

**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.

\_\_\_\_\_  
Barbara Franke, RN, BSN, CNOR  
Clinical Nurse Manager OR  
Fargo, ND VAHCS

\_\_\_\_\_  
Date



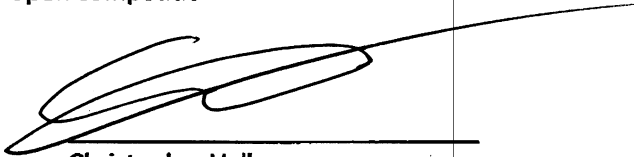
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Sheila Grim, RN, BSN, CNOR  
Clinical Nurse Manager OR  
Iowa City VAMC

\_\_\_\_\_  
Date



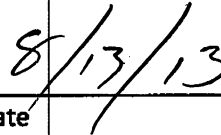
**13. Approvals in accordance with FAR 6.304**

- a. **Contracting Officer's Certification (required):** 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.

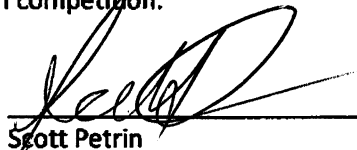


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Christopher Volk  
Contracting Officer  
NCO 23 – Fargo VAHCS

\_\_\_\_\_  
Date



- b. **NCM/PCM (Required \$3K and above):** 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.



\_\_\_\_\_  
Scott Petrin  
Facility Contract Manager, NCO 23

\_\_\_\_\_  
Date

