

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 16, Eye Care Line. Houston, Texas, 2002 Holcombe Blvd, VAMC.

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

LenSx Laser Soft Fit Patient Interface, product #8065998225 . The LenSx Soft Fit Patient Interface is the only patient interface that can be used with the MEDVAMC's LenSx cataract surgery equipment. Alcon Laboratories is the manufacturer and only seller of these patient interfaces. The items requested are proprietary in nature to Alcon Laboratories. Firm fixed prices will be on the purchase order created by Contracting. Please expedite this order as the items are urgently needed for upcoming patient surgeries.

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

LenSx Laser Soft Fit Patient Interface, product #8065998225 . The LenSx Soft Fit Patient Interface is the only patient interface that can be used with the MEDVAMC's LenSx cataract surgery equipment. Alcon is the manufacturer and only seller of these patient interfaces. The item #8065998225 is distributed as 10 packs per case, each case is priced at \$3,500ea. Eye Clinic is requesting 8 boxes for a total of \$28,000. The supplies are required in order to utilize the Laser LenSx equipment for delivery of cataract surgery with less recovery time for patient and a more positive outcome. These packs are required for laser/cataract surgeries to be performed on Tuesdays and Thursdays of each week. 10-12 packs are utilized on each of these days for patient surgery.

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;

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

The LenSx Soft Fit Patient Interface is the only patient interface that can be used with the MEDVAMC's LenSx cataract surgery equipment. Alcon is the manufacturer and only seller of the patient interfaces. The items requested are proprietary in nature to Alcon Laboratories. The date required for this procurement is 11/22/2013. If the items are not received by this date patient care will be greatly affected with possible cancellations and/or rescheduled appointments.

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

LenSx Laser Soft Fit Patient Interface, product #8065998225 . The LenSx Soft Fit Patient Interface is the only patient interface that can be used with the MEDVAMC's LenSx cataract surgery equipment.

Alcon is the manufacturer and only seller of these patient interfaces. No other sources were researched since the items requested are proprietary in nature to Alcon Laboratories.

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

The cost of the LensX Laser Soft Fit Patient Interface packs, #8065998225, is considered fair and reasonable; \$3,500 per case of 10 packs, for a total of 8 cases for a total of \$28,000 to be delivered to the Eye Care Line(112C), VAMC Houston, TX, 2002 Holcombe Blvd. Alcon is the sole supplier of such a product for the existing equipment on station.

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

Market research was performed and found Alcon to be the sole supplier of product, #8065998225, LenSx Laser Soft Kit Patient Interface Packs which will be used with existing equipment on station. Market research submitted previously with other documents with 2237# 580-14-1-153-0002 was purchased for \$14,000.00

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

Alcon is the sole supplier of items requested for this requirement.

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

No other available source for such product or equipment.

**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:**

No action to be taken at this time due to the items being requested are to be utilized with existing laser/cataract surgery equipment on station at the Eye Clinic of the Houston VAMC.

**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.

Jeannette Head  
Administrative Officer, COR  
Michael E. DeBakey VAMC

November 5, 2013  
Date

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

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Tammie Chaney  
Tammie Chaney  
Contracting Officer  
Network Contracting Office 16 – Jackson

11/20/13  
Date

Bernadette Hamel  
Bernadette Hamel  
Contract Specialist  
Network Contracting Office 16 – Oklahoma City

11/20/13  
Date

- b. **P&C:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Clay Jones  
Clay Jones  
CHIEF, PURCHASING AND CONTRACTING  
Network Contracting Office 16- Jackson

11/20/13  
Date