

Attachment 2: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 11, 583 Richard L. Roudebush VA Medical Center-Indianapolis, IN 583-14-1-114-0138
2. **Nature and/or Description of the Action Being Processed:** Stryker CORP has a standing contract with the Federal Government for implants, not instruments. This request is for a replacement instrument for an instrument set manufactured by Stryker for implantation of Stryker implants.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Replacement of broken/missing Dall-Miles Cable Two Sided Tensioner Stock Number 6704-9-350
Howmedica Osteonics, Corp., Stryker Orthopaedics, 325 Corporate Dr., Mahwah, NJ 07430
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (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 that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** This instrument is designed and manufactured specifically for the Stryker Dall-Miles Cable system used in Orthopaedic surgical procedures. Stryker does not distribute their products to any vendor. We currently have one Dall-Miles Cable Two Sided Tensioner Stock Number 6704-9-350. Many times a surgical procedure requires two tensioners to repair femoral fractures and with only one tensioner, we are compromising patient care.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Please see response to question #5.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price of \$3302.00 is considered to be fair and reasonable, as this product has been used before and proven to be a quality product; resulting in a good health outcome for the patient. Price is comparable to current catalog pricing.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was done and currently, Stryker is the only distributor that can provide this item. Patient needs have to be met as a priority.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None at this time.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See section 5 above.
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:**
We are always looking to improve quality and standards of our equipment and services provided to our veterans. Due to the nature of the requirement, a request is issued for approval for longer than a one year time period. It is requested that a contract of requested product is put into place to avoid future sole source requests.
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.

Mushu Lawrence RN 1-3-14
Name Date
Title UNIT Manager OR
Facility RLR VAMC
Indianapolis IN

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.

Name
Title
Network 11 Contract Office

Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

_____ Name NCM/Supervisory Contract Specialist (as appropriate) Network 11 Contract Office	_____ Date
-----------------------------------------------------------------------------------------------------	---------------

- c. **SAO(if over \$500K):** I certify the justification meets requirements for other than full and open competition.

_____ Ricky L. Lemmon SAO Director Central Region	_____ Date
------------------------------------------------------------	---------------

- d. **VHA 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 \$10 million) or approve (\$500K to \$10 million) for other than full and open competition.

_____ NORBERT S. DOYLE Chief of Procurement and Logistics Officer VHA, Head of Contracting Activity	_____ Date
--------------------------------------------------------------------------------------------------------------	---------------

- e. **VA Deputy Senior Procurement Executive Approval (over \$10 million but not exceeding \$50 million):** 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.

_____ C. FORD HEARD Deputy Senior Procurement Executive (DSPE) Office of Acquisition and Logistics Department of Veterans Affairs	_____ Date
-----------------------------------------------------------------------------------------------------------------------------------------------	---------------

- f. **VHA Senior Procurement Executive Approval (over \$50 million):** 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.

JAN R. FRYE

Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

Date