

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 23, Fargo VA Health Care System
474 45th St. S Suite 202, Fargo ND 58102 (618-14-2-020-0026)
2. **Nature and/or Description of the Action Being Processed:** A firm fixed price purchase order will be awarded for the procurement of Phacoemulsification Centurion Vision System Equipment.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Alcon Phacoemulsification equipment. The total estimated value of this acquisition is \$420,000.00. Delivery is anticipated to occur after award in March 2014. Delivery in full will be completed by no later than June 1, 2014. Major Components include:

<u>Manufacturer</u>	<u>Model</u>	<u>Quantity</u>	<u>Extended Price</u>
Alcon	Centurion Vision System Product # 8065751763	7	\$60,000

4. **Statutory Authority Permitting Other than Full and Open Competition:** 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):** The total estimated value of this acquisition is \$420,000.00. The justification is based on the VISN 23 decision to standardize Phacoemulsification equipment and to purchase equipment that is compatible with their current ophthalmologic handpieces. This compatibility allows each site to use their current handpieces. Without this compatibility, an additional cost of \$160,000 would be incurred to acquire new hand pieces. The justification of the sole source is also based on the fact that the manufacturer, Alcon, is the only vendor that can meet the requirement of being compatible with existing Infiniti Ozil Handpiece or Centurion Ozil Handpieces. This procurement does not include hand pieces; therefore, the current hand pieces in use at all four sites must be compatible with Phacoemulsification equipment purchased. Alcon Phacoemulsification equipment will ensure that the current hand pieces will be compatible. VISN 23 is standardizing cataract surgical equipment to commonly used Alcon models. Consistency has been determined to be a key component to quality patient care.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** FSS-GSA, Internet, FedBld, FBO, and other Contract officers desktops in eCMS have been researched. A sources sought has been posted to FBO.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** FAR Part 13.106-3 will be utilized to determine price fair and reasonable. The anticipated pricing will be determined to be fair and reasonable, based upon comparison with pricing from recent

orders that included many of the same items and catalog prices of the equipment. A final fair and reasonable determination will be made prior to award using data from these three recent acquisitions.

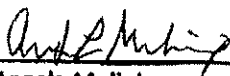
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** FSS-GSA, Internet, FedBid, FBO, and other Contract officers desktops in eCMS were researched. On 1/22/2014, Federal Supply Schedule vendors listed on GSA were searched and no companies were listed selling the requested equipment. The internet was searched by using google to identify potential vendors and only Alcon Laboratories was identified. FBO and FedBid identified an award notice dated 9/20/2013 of one Centurion Vision System at the Birmingham VAMC. A sources sought was posted to FBO on 1/23/2014 for six days and three companies responded: Alcon, O.R. Elder, and Veterans Healthcare Supply Solutions (V.H.S.S.). Although three companies responded, it was later discovered that Alcon does not have any authorized distributors.
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:** Alcon, O.R. Elder, and V.H.S.S. expressed an interest in this acquisition. Although three companies responded, it was later discovered that Alcon is the sole manufacturer and distributor of the 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:** VISN 23 contracting will continuously monitor and reassess statements of "standardization." If ever a department is replacing the entire suite of hand pieces and Phacoemulsification equipment, a competitive procurement will be issued. If other vendors come to the market and provide similar equipment the notion of removing barriers of competition will be entertained.
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.

Terry D. Dozler
190774

Digitally signed by Terry D. Dozler 190774
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o=9-2342-19203300, ou=1, cn=Terry Dozler, va,
gov, c=US, email=terry.dozler@va.gov
Date: 2014.02.06 12:32:06 -05'00'

Terry Dozler,
Administrative Officer
VISN 23 Surgery/Specialty Care Service Line

Date

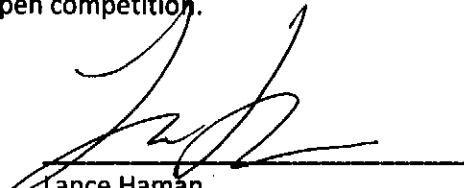

Angela Mulnix,
Biomedical Engineer
VISN 23 VA Midwest Healthcare Network

2/6/14

Date

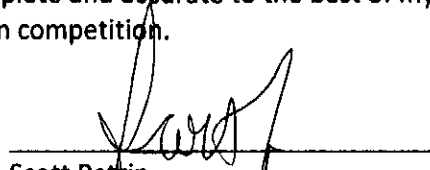
13. **Approvals in accordance with FAR 6.304**

- 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.


Lance Haman
Contracting Officer
NCO 23 – Fargo VAHCS

2-6-2014
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

2-6-2014
Date