

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 6, Network Contracting Office, VA Medical Center, Hampton VA. 23667. This is justification is for other than full an open competition prepared in support of purchase request number **652-14-2-087-1290**.

2. **Nature and/or Description of the Action Being Processed:** This is an other than full and open competition request for the award of a sole source firm fixed price purchase order, for one Variax Foot Solution Kit.

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

a. Variax Foot Solution Restock Kit

This is a one-time buy with an estimated cost of \$ 47,709.00 and an estimated delivery date of 05/09/2014

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):** The VAMC Richmond has an existing Stryker Variax Foot Solution System in place. The restock kit comprises of implant screws and plates components used in surgeries. The implant component kit must be compatible with Stryker made Variax Foot Soultion System, and Stryker Corporation is the sole manufacturer and supplier of the component kits. accompanying component kits. To provide

competition for this procurement would require the procurement of a brand new Foot Solution System, which result in the duplication of costs for the facility.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research was conducted by searching the FSS schedule, FedBizOpps and internet product searches. Due to the proprietary nature of the requirements, Stryker Medical was found to be the only supply source. Stryker Corporation confirmed that they are the only supplier for this item by a written statement certifying that the supply item are proprietary.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price will be determined fair and reasonable based on comparison to commercial price lists. The quoted prices are offered at a 10% discount from Stryker list prices.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted by searching the FSS schedule , FedBizOpps, NAICS code and internet product search.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The VA owned foot solution system is manufactured only by Stryker medical. The restock component items can only be provided by Stryker Corporation. As per current market analysis; there is no other vendor able to provide the component kits for the restock of the VA owned foot solution system.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No other interested sources were contacted.
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:** Market research will be conducted to identify any potential sources for compatible component kit, when the existing system reaches the end of its useful life. Competitive process will be pursued in the replacement of the existing system.
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.



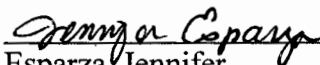
John Hunter
Administrative Officer

04/30/2014

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.



Esparza, Jennifer
Contracting Officer
VISN 6 NCO

04/30/2014

Date

- b. **NCM/PCM:** I certify the justification meets requirements for other than full and open competition.

04/30/2014

SIGNATURE

Jennifer Esparza
VISN 6, COMMODITY TEAM LEAD
(DESIGNEE)

Date