

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 16, Michael I. Debakey VA Medical Center "Justification for Other Than Full and Open Competition." Transaction #: 580-14-2-167-0191
2. **Nature and/or Description of the Action Being Processed:** The VA Medical Center has an urgent requirement for replacement large bone Power Systems to be used in Total Hip, Total Knee, and other various trauma related orthopedic surgical procedures. The use of Large Bone Power Equipment is vital to routine Orthopedic Surgical procedures at MEDVAMC and the need to purchase replacement large bone power systems is required in order to keep up with the demands for patient care.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**
A total of 12 Universal Power Systems at an estimated value of [REDACTED] per system. The total estimated cost of the acquisition is \$445,000.00. The requested equipment is needed, ASAP due to the expiration of the loaner equipment agreement.
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):**

This is an urgent and compelling emergency request. The delay in award of this contract will result in serious injury to veterans. Due to wear and tear of the existing equipment, the currently owned large bone power systems have been deteriorating over time to the point that many critical components are beyond repair and are now completely rendered obsolete for use. As a result, the few remaining amount of running systems are not sufficient to withstand the volume of routine surgical orthopedic procedures. In addition, these remaining systems are deemed as unreliable at any given point for patient care. The MEDVAMC is in critical need to purchase replacement equipment because patient care is presently being compromised due to lack of properly functioning equipment

MEDVAMC is currently dependent upon 3 Loaner Power Systems from the vendor to sustain surgical patient care. This solution is only a temporary aid for a detrimental problem that can escalate to a fatal injury. The established loaner agreement between the vendor and MEDVAMC has expired and there is concern that the return of equipment can be requested at any point. The loaner equipment is currently operational at the MEDVAMC with no complications. This is an emergent requirement that can hinder Orthopedic Surgical Staff from providing adequate clinical care for Veterans if not procured soon. Further delay in obtaining the necessary amount of Power Systems causes Veterans' scheduled surgeries to be cancelled or delayed. Furthermore, there is an 80 percent chance that the remaining power systems may fail during the middle of surgery; which will ultimately be detrimental to patient safety and cause bodily harm and injury.

The Zimmer universal Power System (UPS) was recommended amongst the MEDVAMC Orthopedic Surgical Staff because of its unmatched efficacy and cost effectiveness. MEDVAMC orthopedic surgeons have tested and validated the ergonomics and reliability of this particular brand. Zimmer Universal Power System reduces that amount of costly hand piece devices that are required to operate a fully functional system in comparison to any other brand. The Universal Power System only requires one hand piece to operate the entire system where as other brands would require 2 or more additional hand pieces to perform the same functions. Only one versatile hand piece is capable of drilling, reaming, sawing, and pinning with use of easily interchangeable attachments. No other company has been identified that can produce this unique capability of modularity. The major advantage of this consolidation is that it saves time, money, and storage space before, during, and after surgery.

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

Solicitation efforts were limited due to the urgent nature of the request. Market research confirmed that the suggested vendor is the exclusive distributor for the requested equipment. The equipment is only available through the manufacturer and their exclusive distributor.

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

The anticipated cost will be fair and reasonable based on a comparison of the proposed prices to the prices under the loaner agreement. Also, purchases established at other VAMC's for similar equipment will be utilized in the comparison.

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

Limited market research was conducted on GSA Advantage, FPDS, and FBO.gov, due to the urgent nature of this requirement. The research confirmed that the suggested vendor is the exclusive distributor for the requested equipment.

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:

Veteran's Health (SDVOB)
4428 Overton Crest St.
Fort Worth, TX 76109

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:

Identify potential equipment failures early to increase the possibility of removing the barriers to completion.

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.

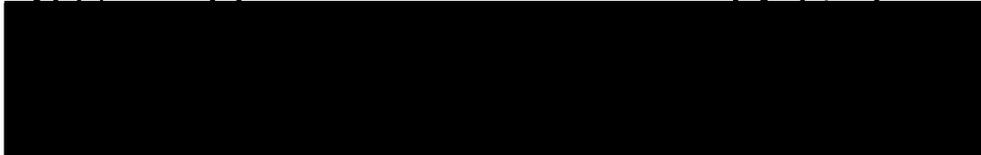


13. Approvals in accordance with FAR 6.304

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



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



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

