

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

**2237 Transaction # or Vista Equipment Transaction #: 541-14-3-703-2382**

1. **Contracting Activity:** Department of Veteran Affairs  
Network Contracting Office (NCO) 10  
6150 Oak Tree Blvd. Suite 300  
Independence, Ohio 44131

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

A firm-fixed price contract for 12 Stellaris Phacoemulsification Handpieces.

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

12 Stellaris Ultrasound Handpieces – Model BL3170

(a) **ESTIMATED DOLLAR VALUE:** \$61,200

(b) **REQUIRED DELIVERY DATE:** July 9, 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):**

Only One Responsible Source (FAR 6.302-1) – These are additional handpieces for the 4 Stellaris Phacoemulsification units that we currently own. The handpieces only work with the Stellaris unit and no other manufacturers handpieces are compatible. Only the B&L handpiece will be able to plug into the stellaris equipment that we own, the connection pins and internal electronics are proprietary to the Stellaris unit. Accordingly, Bausch & Lomb is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements.

Transaction 541-14-3-703-2382

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

A search was conducted on NAC/GSA and VA Advantage and no vendor was found that could deliver the needed hand pieces. The system is proprietary to Bausch & Lomb so an intent to sole source was posted on FBO with no responses received.

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

The price being offered to the Government is the same or less than is currently being offered to private and other government run hospitals. We have previously purchased them on 541-G20065. As a result, the Contracting Officer has determined the cost to be fair and reasonable.

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

A search was conducted on NAC/GSA and VA Advantage and no vendor was found that could deliver the needed hand pieces. Also, an intent to sole source was posted on FBO from 6/12/2014 through 6/18/2014 with no responses received.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: N/A

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

Bausch & Lomb  
180 Via Verde Dr.  
San Dimas, CA 91733

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:

None – It is a widely accepted business practice within this industry to make accessory items such as this proprietary to the Parent equipment. Should the VAMC require a new system it will consider competition between any other available manufacturers.

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.

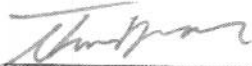


William Precht  
AO Director's Office  
VISN 10/Cleveland VAMC

  
Date

13. Approvals in accordance with FAR 6.304

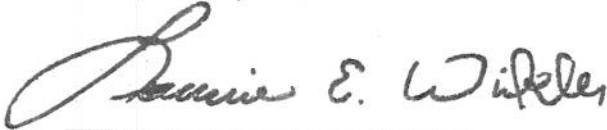
- a. Contracting Officer's Certification (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Thomas P. Moore  
Contracting Officer  
NCO 10

\_\_\_\_\_  
Date

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



Terry Spitzmiller  
Network Contract Manager  
NCO 10

6-19-14  
\_\_\_\_\_  
Date