

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 justification for other than full and open competition is prepared in support of purchase request number **590-14-3-073-2951**.
2. **Nature and/or Description of the Action Being Processed:** This justification provided the rationale for soliciting using a Brand Name only requirement for a Synthes non-biological screw implants. A firm fixed priced purchase order will be awarded with an estimated delivery date of 08/29/2014.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**
 - a. Synthes Non-Biological Screw Set

This is a one-time buy with an estimated cost of \$ 41,280.00.
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 Hampton has an existing Synthes orthopedic instrument set in place, that comprises of orthopedic instruments and screws. The requested screws will complete the facility's orthopedic sets. To provide competition for this procurement would require the facility to buy new orthopedic tray sets, or to mix components from different manufacturers. The procurement of new orthopedic tray sets will result in the duplication of cost for the

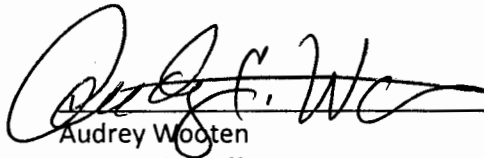
facility. The same brand of orthopedic screws and instruments are required, because the related information about the orthopedic tray sets is permanently documented in the patient's medical records. Implant trays generally don't have mixed instrument and screw set from different manufacturers. This is to allow for an expedited notification process in case of a product recalls, or if a patient develops an adverse reaction to implanted screws. Moreover in a mixed tray set there will be no way of knowing which screw was provided by which manufacturer. There are no identification numbers on the implant screws, and there is no way for the patient care staff to verify the specification of the screws from other manufacturers.

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. Market research shows the availability of small businesses that can fulfill this need
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 competition and commercial price lists.
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 orthopedic sets are manufactured only by DePuy Synthes. The Synthes branded screw sets can only be provided by DePuy Synthes and some small businesses with distribution rights . As per current market analysis the number of vendors that can provide the Synthes branded screw sets to complete VA owned orthopedic sets are limited. DePuy Synthes
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

DePuy Synthes
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 orthopedic sets, when the existing tray sets reach the end of useful life. Competitive process will be pursued in the replacement of the existing orthopedic tray sets.
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

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.



Audrey Wooten
Contracting Officer
Network Contracting Office 6

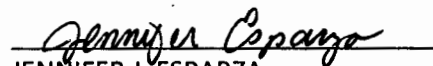
8/5/2019
Date

- b. **NCO 6 Quality Assurance Compliance Review (required \$3K and above):**

JEFFERY A. BENTON
Quality Assurance and Compliance Officer
Network Contracting Office 6

Date

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



JENNIFER J. ESPARZA
Commodities Team Lead
Network Contracting Office 6

8/4/14
Date

- d. **SAO (If over 650K):** I certify the justification meets requirements for other than full and open competition.

NAME
Director
Service Area Office, East

Date

- e. **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 \$12.5 million) or approve (\$650K to 12.5 million) for other than full and open competition.

Name
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

Date

- f. **VA Deputy Senior Procurement Executive Approval (over \$12.5 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

- g. **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