

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval For

Other Than Full and Open Competition

1. **Contracting Activity:** This Justification for Other Than Full and Open Competition is prepared by the Department of Veterans Affairs Network Contracting Office 6 (NCO 6) on behalf of the Veterans Affairs Medical Center in Asheville, NC and Fayetteville, NC in support of Purchase Request No. 637-14-2-997-0109 and 565-14-3-1020-0013.
2. **Nature and/or Description of the Action Being Processed:** This justification provides the rationale for contracting by other than full and open competition for the ERBE electrosurgical system. A firm fixed priced purchase order will be awarded on a sole source basis to Metro Medical with a delivery date 15 days after receipt of order (ARO).
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The estimated value of this award is \$140,413.00

0001	A-41 ERBE \F\ VIOr 300D ELECTROSURGICAL UNIT 120V/60HZ UL \F\ SOFTWARE VERSION 2.X CONSTANT VOLTAGE	6.00	EA	
0002	A-41 ERBE \F\ ENDO CUTr IQ UPGRADE (WITH ABILITY TO ADJUST\F\ EFFECT, CUT DURATION, AND CUT INTERVAL)	4.00	EA	
0003	A-41 ERBE \F\ VIOr TWO (DOUBLE/DUAL) PEDAL FOOTSWITCH\F\ W/REMODEr			6.00 EA
0004	A-41 ERBE \F\ UNIVERSAL CART FOR ICCT/APCT/VIOr\F\	2.00	EA	
0005	A-41 ERBE \F\ VIOr/APCT 2 TO VIOT CART FASTENING SET\F\ (W/GROUNDING CABLE)			2.00 EA
0006	A-41 ERBE \F\ EIPT 2 IRRIGATION PUMP\F\	2.00	EA	
0007	A-41 ERBE \F\ EIPT 2 SINGLE FOOTSWITCH\F\	2.00	EA	
0008	A-41 ERBE \F\ WATER BOTTLE HOLDER \F\ EA	2.00	EA	
0009	A-41 ERBE \F\ MONOPOLAR CONNECTING CABLE BOVIEJACK 8; 3MM\F\ SOCKET; LENGTH 4 M (13.2 FT)	4.00	EA	
0010	A-41 ERBE APC 2 ARGON PLASMA COAGULATOR WITH CHOICE OF PRECISE APC AND TWO PULSED APC MODES EA 10134-000	2.00	EA	
0011	ERBE APC 2 PRESSURE REDUCER WITH SENSOR	2.00	EA	
0012	ERBE VIO CART WITH FOOTSWITH HOLDER, CABLE WRAP, AND 1 TANK FIXATION KIT			1.00 EA
0013	ERVE VIO CART WIRE BASKET	2.00	EA	
0014	ERBE VIO TO APC 2 FASTENING SET	2.00	EA	
0015	ERBE ARGON GAS CYLINDER, FULL, 40 CU FT. CAPACITY, PURITY 99.998%	2.00	EA	

4. **Statutory Authority Permitting Other than Full and Open Competition:**

- ☒ Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- ☐ Unusual and Compelling Urgency per FAR 6.302-2;
- ☐ Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- ☐ International Agreement per FAR 6.302-4
- ☐ Authorized or Required by Statute FAR 6.302-5;

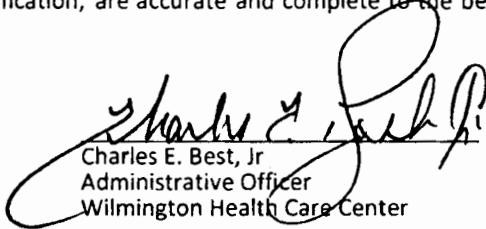
SOP Other Than Full and Open Competition
Original Date (3/22/2011)

☐ National Security per FAR 6.302-6;

☐ 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 facilities currently have these same Erbe units that are only interchangeable and compatible with Erbe equipment. We are requesting additional Erbe units to ensure there are ample units available to meet the increased number of surgical procedures. Standardization facilitates the delivery of quality health care and best value product pricing. Due to patient safety and cost efficiency, it is of the utmost importance to maintain standardization of equipment. Through extensive training and familiarization staff has become competent in use of the Erbe electrosurgical system; this provides the level of care required by the Joint Commission. The replacement of all the current equipment and retraining of staff on new equipment would far outweigh the cost to purchase the same brand of equipment currently in use. Features contained in the system are proprietary to Erbe; they are the sole manufacturer. Susan Tinkle (Erbe) stated Metro Medical Equipment & Supply is the only vendor allowed to sell the Erbe electrosurgical system. Accordingly, Metro Medical Equipment & Supply is the only source capable of meeting the need without the VAMC Asheville/ Fayetteville experiencing substantial duplication of cost not expected to be recovered through competition.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** NA current vendor in use in Fayetteville.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** In accordance with FAR 15.404-1(b)(2)(ii), a determination of price fair and reasonableness will be based on a comparison of proposed prices to historical prices paid whether by the Government or other than the Government for the same or similar items.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research supports the award of a sole source contract. A search of the Federal Business Opportunity www.fbo.gov indicates previous purchases of the requested supplies were purchased sole source through Metro Medical Equipment & Supply.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** All facts supporting this proposed action are included in this justification and Approval for Other than Full and Open Competition as outlined above.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Metro Medical Company
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:** For future requirements and subsequent acquisitions of this type, in order to overcome any barriers to competition, market research will be used as a guide to determine whether or not the market for competition exists. The appropriate procurement strategy will then be determined and followed. The contracting agency will continue to monitor the market for the inception of other companies capable of meeting the requirement.

- 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.


Charles E. Best, Jr.
Administrative Officer
Wilmington Health Care Center

15 July 14
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.


Jennifer J. Esparza
Contracting Officer
NCO-6


8/4/14
Date

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

Jeffery A. Benton
Quality Assurance Compliance Officer
NCO-6

Date

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


Jennifer J. Esparza
Commodities Team Lead
NCO-6

8/4/14
Date