

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition (Brand Name Only)

1. **Contracting Activity:** This Justification for Other Than Full and Open Competition is prepared by the Department of Veterans Affairs Network Contracting Office (NCO 6) on behalf of the Veterans Affairs Medical Center in Fayetteville, NC in support of Purchase Request No. 565-14-3-1019-0090.
2. **Nature and/or Description of the Action Being Processed:** This justification provides the rationale for soliciting using a brand name only description for Olympus Thunderbeat Instruments. A competitive RFQ will be issued as an SDVOSB set-aside. A firm fixed Purchase Order is planned with a required delivery date of June 01, 2015.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Olympus Thunderbeat transducer and accessories for blood vessel sealing and tissue cutting. Both functions are performed with this one instrument instead of utilizing two separate devices.
4. **Statutory Authority Permitting Other than Full and Open Competition:** Olympus is the sole manufacturer for this product.
 - (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 Olympus Thunderbeat transducer and compatible accessories are currently in use at the Fayetteville VAMC main campus. Staff will be used interchangeably between the main campus and the Fayetteville HCC. Having the same transducer and accessories will avoid requiring staff to be trained on different systems. In addition, it will avoid the cost of maintaining and providing sterilization procedures for two different systems. Due to patient safety and cost efficiency, it is of the utmost importance to maintain standardization of equipment between the two facilities. If another system was purchased the existing equipment would have to be replaced to maintain standardization. Accordingly, the Olympus surgical instrumentation is the only brand capable of meeting the requirement without the facility experiencing substantial duplication of cost that is 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:** A sources sought notice was posted to FBO. Three

responses were received from vendors offering the Olympus equipment. Based on the results of market research, a competitive RFQ will be posted to FBO as an SDVOSB Set Aside.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The estimated cost to the Government is in line with prior procurements of this item. Price will be determined fair and reasonable based on prices paid for the same items on previous purchases.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** See item 6 above.
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.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** World Class Marketing, Alliant Enterprises, LLC and A2Z Supply Corp.
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 acquisition 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.

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.



Vicki Goblirsch

7-17-14

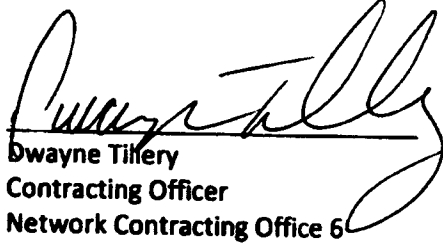
Date

Fayetteville, NC VAMC

Administrative Officer

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.


Dwayne Tilery
Contracting Officer
Network Contracting Office 6

8/6/2014
Date

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

jeffery.benton@va.gov

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Date: 2014.08.19 08:52:38 -04'00'

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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.esparza@va.gov

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JENNIFER J. ESPARZA
Commodities Team Lead
Network Contracting Office 6

Date