

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 Fayetteville, NC in support of Purchase Request No. 565-14-3-1019-0105.
2. **Nature and/or Description of the Action Being Processed:** This justification provides the rationale for soliciting using a brand name only description for the Olympus Ortho equipment. A competitive RFQ will be issued set-aside 100% for small businesses. A firm fixed price Purchase Order is planned with a required delivery date 15 days after receipt of order (ARO). This equipment is currently utilized at the Fayetteville VAMC. These Olympus cameras, telescopes and scopes are interchangeable only with Olympus equipment. Due to patient safety and cost efficiency, it is of the utmost importance to maintain standardization of equipment.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The estimated value is \$472,796.80
 - a. Olympus VISERA PRO HD camera head, 1.0x, eyepiece type – Ortho
 - b. Olympus VISERA PRO HD autoclavable camera head, 1.2x, eye piece type
 - c. Olympus Light guide 7 mm x 3 mm autoclave without condenser, CF compatible
 - d. Olympus Trueview II telescope, autoclavable, 30 degree direction of view, wide angle field of view, 4 x 160mm working length
 - e. Olympus Trueview II, sheath, high flow, 2 stopcock, rotatable, for 4 x 160mm telescope
 - f. Olympus Trueview II, trocar spike, blunt, 4 x 160mm working length
 - g. Olympus Quarter size arthroscopic tray to hold camera, and arthroscope
 - h. Olympus Trueview II telescope, autoclavable, 0 degree direction of view, wide angle field of view, 2.7 x 160mm working length
 - i. Olympus Trueview II telescope, autoclavable, 30 degree direction of view, wide angle field of view, 2.7 x 160mm working length
 - j. Olympus New HD ENDOEYE II 5MM 30 degree
 - k. Olympus New HD ENDO EYE II 5MM 0 degree
 - l. Olympus EndoEYE autoclavable video laparoscope, 5 mm diameter, 30 degree angle of view, 300 mm working length, 15-100 mm depth of field
 - m. Olympus EndoEYE autoclavable video laparoscope, 5 mm diameter, 0 degree angle of view, 300 mm working length, 15-100 mm depth of field
 - n. Olympus HD ULTRA-LIGHT URO CAMERA HEAD 0.9x, EYEPEICE

4. **Statutory Authority Permitting Other than Full and Open Competition:** Olympus is the sole manufacturer for these products.
- (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 Ortho equipment is the only brand compatible with the equipment currently in use throughout the Fayetteville Veterans Affairs Medical Center. The facility currently has these same Olympus camera heads, telescopes, and laparoscopes that are only interchangeable and compatible with Olympus equipment. We are requesting additional Olympus cameras and scopes for the surgical specialties to ensure there are ample sterilized surgical trays on hand to meet demand of surgical procedures. Specialists will be performing the same procedures at both sites of care (Fayetteville VA Medical Center and Fayetteville HCC). Due to patient safety and cost efficiency, it is of the utmost importance to maintain standardization of equipment. Maintenance, training, competency validation, and costs to replace all this equipment would far outweigh the cost to purchase the same item. Accordingly, the Olympus Ortho equipment is the only brand capable of meeting the need without the VAMC 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:** The requirement is for a brand name only product; will solicit quotes from authorized sellers of this brand.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Pursuant to FAR 15.404-1(b)(2)(ii), price reasonableness will be determined by "comparison of the 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 was done via GSA, internet, etc., but no other potential sources were found capable of providing equipment compatible with the Olympus Ortho brand.
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:** Olympus America, Inc.
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, the contracting office will continue to monitor the market for equipment compatibility.

- 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
PCS AO
FVAMC

7/28/14
Date

- 13. Approvals in accordance with FAR 6.304** *This part is filled out by Contracting Staff as part of the Justification*

- 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
Network Contracting Office 6

8/4/14
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
JENNIFER J. ESPARZA
Commodities Team Lead
Network Contracting Office 6

8/11/14
Date