

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 565-14-3-1019-0113.
2. **Nature and/or Description of the Action Being Processed:** This justification provides the rationale for soliciting using Brand Name Only for Olympus 30 Watt Laser and Fibers. A competitive RFQ will be issued as a small business set-aside. A firm fixed price 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:** Items needed in the Urology section to perform surgery in the Fayetteville Health Care Center (HCC):

a. Laser safety glasses. 6 EA
b. Warning sign HO laser
c. Single use 270 micron laser fiber 3/box.
d. Single use 400 micron laser fiber 3/box
e. Single use 600 micron laser fiber 3/box
f. 10.0 FR dual lumen catheter
g. Uretal cath 5FR open end bx/10
h. PTFE 0.35x150cm FXBL TIP G W bx/5
i. Floppy tipped nitinol guidewire, box of 5
j. E-Z glider straight tip GW Bx/5
k. E-Z glider angle tip GW BX/5
l. Uropass ureteral access sheath, 38cm, box of 5
m. Sur-catch NT basket, 1.9 Fr
n. SRCTH, HLCL, 2.4, 3W, 11, 120, OT, R
o. SRCTH, HLCL, 2.4, 3W, 11, 120, 5CM, R
p. IRRi flow II, BX 5
q. Quadra-coil 6.0 FR
r. Quadra-coil 7.0 FR
s. Semi-rig uretroscope, 6.4/7.8fr. x 430mm, 4.FR, chan, straight ocu
t. Ureteroscope 6.4/7.8FR 330mm, straight channel

u. OES proo light guide cable for LF and ENG fiberscopes, 5mm outer diameter, 2 m long, plug type without condenser lens (autoclavable)
v. Super slim flexible fiberoptic ureteroscope
w. Endoeye flexible uretero reno videoscope
x. 30 watt Holmium laser system

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

- (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):

VAMC Fayetteville currently has the Olympus 30 watt Holmium laser and urology instrumentation. The new Fayetteville HCC requires the same brand equipment for standardization between the facilities. The urologists will be performing surgery at both sites of care. If different instrumentation were used, they would have to be trained and maintain competency on two different systems. In addition to the clinical staff, biomed and sterilization processing personnel would also require training, and would have to maintain competency on maintenance and sterilization procedures for two different systems. Introduction of a different system could increase the potential for error and pose a risk to patient safety. Accordingly, Olympus 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: These particular Olympus items for urology are not under GSA/FSS. A Sources Sought notice was posted to FBO seeking interested contractors. Responses were received from 2 SDVOSBs and 1 small business, all offering the Olympus brand.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be and Reasonable. The price will be determined fair and reasonable based on competition.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reason Market Research Was Not Conducted: Market research conducted on GSA Advantage, GSA E- Library, the VA National Acquisition Center catalog and other government databases the part number and nomenclature.

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:**

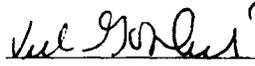
Firm 1: Alliant Enterprises, LLC

Firm 2: AZ2 Supply

Firm 3 Metro Medical

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 determine if any other sources have entered the market. When the existing laser systems reach the end of their useful life, market research will be conducted to determine if comparable systems are available from other manufacturers.

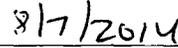
12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.



Name: Vicki Goblirsch

Title: PCS AO

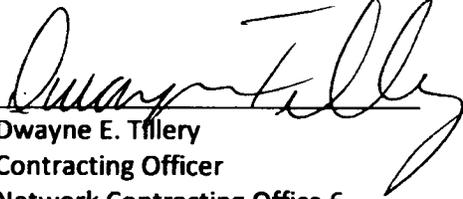
Facility: VAMC Fayetteville



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.


Dwayne E. Tillery
Contracting Officer
Network Contracting Office 6

8/7/14
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.

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JENNIFER J. ESPARZA
Commodities Team Lead
Network Contracting Office 6

Date