

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. 565-14-3-1019-0112.
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 Dutch ophthalmic instrumentation and Vitrectomy lenses. Fayetteville VA Medical Center recently purchased the Dutch 6000 Dual Vitrectomy System and the Vitrectomy lenses are needed for use of the system. A firm fixed price Purchase Order is planned with a required delivery date of October 1, 2014.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The cost of the supplies is estimated to be \$89,040.00. The Dutch instrumentation and Vitrectomy lenses are used for ophthalmic surgery. The Dutch instrumentation and Vitrectomy lenses are compatible with the Dutch 6000 Dual Vitrectomy System which was recently purchased by Fayetteville VA Medical Center Ophthalmology Service.
  - (a) DESCRIPTION: Dutch instrumentation and Vitrectomy lenses
  - (b) ESTIMATED DOLLAR VALUE: \$89,040.00
4. **Statutory Authority Permitting Other than Full and Open Competition:** Dutch is the sole distributor of this system and sole authorized government hospital distributor for this system, parts, service and software.
  - (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):** Accordingly, the Dutch instrumentation and Vitrectomy lenses are the only brand/source capable of meeting the need without the VAMC Fayetteville experiencing substantial duplication of cost not expected to be recovered through competition.

VAMC Fayetteville has already purchased the Dutch 6000 Dual Vitrectomy System. If we have to purchase a different brand of Vitrectomy System, the cost to replace all system components,

instruments and parts, maintenance and RME retraining, and competency validation would far outweigh the cost to purchase the same exact system.

The facility would like to ensure medical equipment remains standardized at all sites of care to ensure safe patient care and maintain cost effectiveness. Our Ophthalmology specialist will be working at the Fayetteville HCC and at the Fayetteville Medical Center performing health care and surgical procedures.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market Research was conducted to ensure that potential sources were solicited. A notice of Intent to Sole Source was posted to FedBizOpps on 09/17/2014. No responses were received. As stated in paragraph 5 above, Dutch is the sole distributor of the Vitrectomy lenses for the Dutch Dual 6000 Vitrectomy system.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price will be fair and reasonable based on comparison to prices for the same or similar products, which have been determined to be fair and reasonable on previous government contracts.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A search of GSA/FSS Schedules showed that this equipment is not available on a Federal Supply Schedule contract. Market research was conducted by the technical representative and the contract specialist. An open market search found that Dutch is the only manufacturer that can supply lenses for the Dutch 6000 Dual Vitrectomy System which was recently purchased by the Fayetteville VA Medical Center.
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:** Dutch Ophthalmic US
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:** the agency will continue to survey the market for other sources that could potentially fulfill the requirement in the future.

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

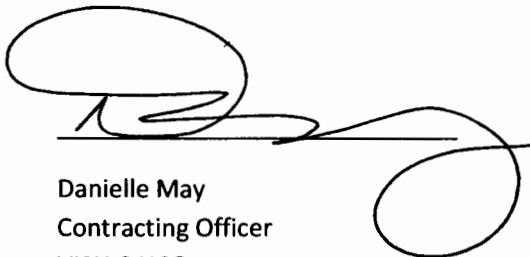
FVAMC COTR, PCS AO

9/22/14

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.

  
Danielle May  
Contracting Officer  
VISN 6 NCO

9/22/14

Date


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

  
Hatasha Hanley  
Supervisor Services Team  
VISN/PCA 6

9/23/14

Date

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

  
Shauna Thomas  
Quality Control Officer

9/25/14

Date