

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:** The Department of Veterans Affairs, VISN 10, Cleveland Medical Center (VAMC), Medical Service, Network Contracting Office (NCO) 10, Justification for Other than Full and Open Competition. Transaction: 541-15-1-703-0132
2. **Nature and/or Description of the Action Being Processed:** The Department of Veterans Affairs, VISN 10, Cleveland VAMC, Medical Service, proposes a new, one-time, firm-fixed price purchase order to Medtronic, Inc. using Other than Full and Open Competition procedures.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Medical Service, has a requirement for Cardioblate Gemini-s Ablation Devices. These devices are used during cardiac surgery. The estimated dollar value is \$31,960.00 and delivery is required no later than 10/31/14

ITEM NUMBER	DESCRIPTION OF SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	CARDIOBLATE GEMINI-S ABLATION DEVICE	8	EA	\$3,995.00	\$31,960.00

4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (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 Medical Service currently uses Medtronic, Inc.'s Cardioblate Surgical Ablation System. The ablation devices required are specific to the Cardioblate system and are only sold through the OEM. Accordingly, Medtronic is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing substation duplication of cost that could not be 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 written solicitation was not issued due to the required products being proprietary and only available through the OEM.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Comparison to the Government's IGCE and past purchases, (PO VA541-A40162) indicates consist pricing. As a result, the Contracting Officer has determined the anticipated cost to the Government will be fair and reasonable.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A search was conducted on NAC, GSA and VA Advantage, and no vendor was found that could deliver the supplies needed. A search on the internet did not provide any similar products.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None
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:** A search was done to see if there were any other companies that can comply with the brand name or equal specifications but none were found. On-going research of the industry market place will be conducted to determine if there are new entrants into this product arena.
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.


William Precht
COR
VISN 10\Cleveland VAMC

10/23/14
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.

Thomas Moore

Thomas P. Moore
Contracting Officer
NCO 10

Digitally signed by Thomas Moore
DN: cn=Thomas Moore, o, ou=NCO 10,
email=thomas.moore9@va.gov, c=US
Date: 2014.10.23 11:35:36 -04'00'

Date

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

LONNIE E. WINKLER
314360

Terry Spitzmiller
Director of Contracting
NCO 10

Digitally signed by LONNIE E. WINKLER 314360
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