

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 04, VA Pittsburgh HealthCare System (VAPHS) 646. Justification for Other Than Full and Open Competition for a Service and Support Package for software updates and OR technical assistance for the Brainlab Navigation Platform for the Operating Room with Brainlab, Inc., 3 Westbrook Corporate Center-Suite 400, Westchester, IL 60154.  
Transaction #646-15-1-222-0045
  
2. **Nature and/or Description of the Action Being Processed:** Firm-Fixed Price Sole Source contract for Service and Support by Brand name only source. Brand name is only available source.
  
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This procurement is for a Service and Support contract with Brainlab, Inc. for the Brainlab Image-Guided surgery platform utilized in the operating room by neurosurgery, orthopedic surgery, and ENT surgery. This procurement consists of the purchase of Support Packages for each Navigation Package that Surgical Services currently owns all components to. The Service and Support contract consists of Application Support, 24/7 Hotline Remote Support, OR Assistance, On-Site Application Training, and Software Updates for the period of one year from the start of the contract. The value of this procurement package is \$46,420.00. Please see Description of Item Scope of Work.
  
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):** Surgical Services currently owns all components of the Brainlab Image-Guided Surgery platform. The Brainlab Image-Guided Surgery platform is used in neurosurgery, orthopedic surgery, and ENT surgery. The surgeons require Software Updates and Application Support to utilize this highly specialized piece of equipment to its fullest abilities. The surgeons and operating room staff require 24/7 Hotline Remote Support to ensure the proper functioning of this major system for the entire surgery allowing safe and effective surgery for the patients. The operating room staff requires On-Site Application Training and OR Assistance to learn about the Software Updates and to be proficient and competent in the use and

handling of this highly specialized piece of equipment. Brainlab, Inc. is the only manufacturer of Navigation/Surgical Platforms compatible with their unit. The sales/technical representative present during surgery to provide technical/equipment expertise to the surgeons and surgical team must be certified/qualified by Brainlab Inc. to represent expertise with the Brainlab Image-Guided Surgery platform. No other vendor can offer components to the current system already owned by the Pittsburgh VA. No other upgrades or instruments from other companies could be used on the Brainlab Image-Guided Surgery platform. It is a proprietary item.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Brainlab, Inc. is the only manufacturer of Navigation/Surgical Platforms compatible with their unit. This is a highly specialized item and no other vendor can offer components compatible with the current system already owned by the Pittsburgh VA.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: An S24 Fair and Reasonable document will be uploaded to the briefcase.**
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Brainlab Inc. is the only manufacturer of surgical platforms that are compatible with their unit. No other vendor can offer components to the current system already owned by the Pittsburgh VA. No other upgrades or instruments from other companies could be used on the Brainlab platform.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** These are additions to the Brainlab Image-Guided Surgery platform that is already owned by the Pittsburgh VA and currently in use. This is compatible with all current Brainlab navigation applications.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**
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:**
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.

DANA J MITCHELL  
241931

Digitally signed by DANA J MITCHELL 241931  
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gov, cn=DANA J MITCHELL 241931  
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*Dana Mitchell*

*10/7/14*

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Name: Dana Mitchell, RN  
Title: Management Analyst/COR  
Facility: VAPHS University Drive

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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.

william.schlob  
ohm2@va.gov

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William Schlobohm, Contracting Officer  
NCO4

\_\_\_\_\_  
Date

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

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Richard Anzelone, Branch Chief  
NCO 4 Services Team 2

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Date