

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>\$150K)

1. **Contracting Activity:** Department of Veterans Affairs, VISN 10, Louis Stokes Cleveland VA Medical Center through the Network Contract Office (NCO) 10; purchase request number 541-15-1-703-0001.
2. **Nature and/or Description of the Action Being Processed:** NCO 10 proposes to issue a one-time, firm fixed priced, purchase order using other than full and open competition procedures.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Cleveland VAMC Otorhinolaryngology Section has a requirement for a Trilliant Surgical Gridlock Plating System. The plating system consists of implant and instruments that are used in surgical procedures. The VAMC currently uses this system and needs to replenish the current sets as well as obtain additional sets that will reduce turnover time between cases. For the types of cases being performed, all implant trays need to be uniform to prevent errors during surgery and while re-processing. All of the implants on the requested tray and the VA owned trays need to be 100% compatible with one another.
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):** The gridlock plating systems are specialized and will be proprietary to the manufacturer. The instruments and implants within sets cannot be substituted between manufacturers because compatibility and patient safety will be compromised. The Cleveland VAMC currently uses Trilliant Surgical plating systems and the sets can only be purchased through the OEM.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Research of GSA Advantage and the VA National Acquisition Center's Contract Search Tool, based on salient features, or characteristics, did not find any products or vendors that offer products like Trilliant Gridlock Plating Systems. Intent to sole source was posted on Federal Business Opportunities (FEDBIZOPPS) on October 23, 2014 and closed on October 31, 2014. No

commercial vendor sources submitted a response to offer a similar product line for the contracting officer's consideration to open up a competitive forum.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Trilliant, LTD's sales representative, Robert Vitale, provided the contract specialist a copy of his firm's commercial price list that lists the sub-components line items and unit pricing that make up the whole assembly, Part No. 300-00-00. Mr. Vitale also provided the contract specialist copies of Trilliant LTD's sales invoices that contains a couple of the line items, tools, and implants, that were sold to other medical institutions and other VA medical centers. The invoices illustrated pricing were traced within Trilliant, LTD's commercial price list. Trilliant, LTD's offered pricing of \$150,225.00 is the same that was offered approximately, March, 2014; VHA Cleveland's PO No. 541-A40084, for the same purchase requirement and is consistent with its commercial pricing. As a result, the Contracting Officer considers the cost to 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:** : Research of GSA Advantage and the VA National Acquisition Center's Contract Search Tool, based on salient features, or characteristics, did not find any products or vendors that offer products like Trilliant Gridlock Plating Systems. Intent to sole source was posted on Federal Business Opportunities (FEDBIZOPPS) on October 23, 2014 and closed on October 31, 2014. No commercial vendor sources submitted a response to offer a similar product line for the contracting officer's consideration to open up a competitive forum.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Fair consideration given to Federal Government sources as well as open market potential sources.
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:** When the current systems reaches its useful life, the facility will perform market research to consider other possible vendor sources that can offer competition for a new product line that offers the same salient characteristics, and same or superior functions as Trilliant, LTD's product line for the benefit of the podiatrists and patients.
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
Louis Stokes Cleveland VACM

Date

13. Approvals in accordance with FAR 8.405-6(d):

- 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 P. MOORE
Contracting Officer
NCO 10

Date

- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.

TERRY L. SPITZMILLER
Director of Contracts
Network Contracting Office (NCO) 10

Date