

**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 6, Salisbury Medical Center.  
The 2237 number is 659-1-098-0010.

2. **Nature and/or Description of the Action Being Processed:** This is a firm fixed price brand name only justification for Olympus equipment in support of the Salisbury VAMC Surgery Department.

FAR13.5 Test Program: This procurement is for the below stated equipment in paragraph three in accordance with FAR 13.5 Test Program for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

1. WA50040A: HD ENDOEYE II 10MM 0 Deg - Quantity 4
2. WA50042A: HD ENDOEYEII 10MM 30 Deg – Quantity 4
3. LTF-S190-5: ENDOEYE FLEX5 HD DEFLECTABLE – Quantity 3
4. LTF-VH: EndoEYE, 1080i high definition deflectable tip videoscope, 90 degree field of view, – Quantity 1
5. WA50052A: HD Endoeye II 5MM 30 Deg – Quantity 4
6. WA50050A: HD Endoeye II 5MM 0 Degree- Qty 3
7. Olympus Equipment Trade ins  
Estimated Value: 356,110.00 Delivery Date: 2/28/2015

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;

**FAR13.5 Test Program:** *The authority for applying the Commercial Test Program of FAR 13.5 is (Section 4202 of the Clinger-Cohen Act of 1996) and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).*

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Salisbury VAMC currently owns Olympus EndoWorks Server (which manages the data base images) , video processor, and its components: Bronchoscopes, Laryngoscopes, Colonoscopes, Gastrosopes, Laparoscopes, Cytoscopes. The manufacture states there are no other manufactures with compatible components.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The manufacture has provided a letter that states three authorized vendors that are allowed to distribute their equipment.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** : The anticipated cost is based off the listed schedule price that has been determined fair and reasonable. These prices will be competed among the three authorized vendors.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted through the web and government databases but limited due to current VAMC equipment compatibility requirements and its authorized vendors.
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 as outlined above and a copy of the vendor's letter stating it's authorized vendor's has been attached.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**
  - a. Olympus America,
  - b. Metro Medical, Alliant Enterprises LLC.,
  - c. a2z Supply Corp.
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:** For future requirements and subsequent acquisitions of this type, in order to overcome any barriers to competition, market research will be used as a guide to determine whether or not the market for competition exists. The appropriate procurement strategy will then be determined and followed.

# **OLYMPUS**

VIA E-MAIL

December , 2014

Re: Olympus Policy Toward Third Party Resellers

To whom this may concern:

For all Olympus and Gyrus branded products, Olympus America Inc. is the exclusive distributor in the United States. The Medical Systems Group of Olympus America Inc. has a direct sales force and limited sales via third party channels.

Notwithstanding, Olympus has a limited number of authorized minority owned and service disabled veteran owned small business resellers to meet the needs of our government customers. Authorized resellers may purchase products from Olympus and resell them to the government on an Open Market basis. Under this arrangement the small business is responsible for all aspects of the contract/order administration process, however, Olympus will drop ship products to the end user location specified on any resulting orders and provide the end user with the Government tailored warranty consistent with FSS contract V797P-2065D. Olympus will be responsible for completion of the installation of the equipment and provision of appropriate in-service training for the end-user staff. Sales of products to the reseller shall be subject to Olympus credit requirements and governed by Olympus' invoice terms and conditions. A list of authorized small business firms that Olympus does business with is attached hereto.

Please note that this policy does not apply to lease agreements, which by definition are not sales. The lease terms and conditions of Olympus's Federal Supply Schedule contract are available to our authorized government customers solely through Olympus.

Please let me know if there is anything further I can do to assist you.

Sincerely,



Steven K. Wendt  
Olympus Corporation of the Americas, Healthcare Services  
Executive Director, Chief Contracting Officer

**OLYMPUS AMERICA INC.**

3500 Corporate Parkway, Center Valley, PA 18034  
Telephone (484) 896-5000

Attachment A: Olympus Preferred Small Business Firms



**Metro Medical**  
Corporate Offices  
7550 N. Broadway  
St. Louis, Missouri 63147-2620  
Joshua Stevenson  
Vice President, Sales and Contracts  
Direct: (314) 880-3515

Customer Service/Orders: (800) 521-2476  
General Fax: (314) 383-4377  
SDB, MBE, GPO HUB Certified  
[www.metromedical.org](http://www.metromedical.org)

**Alliant Enterprises LLC.**

*A Service-Disabled Veteran-Owned Small Business*

Mark McKinney  
Director, Sales Services  
Alliant Healthcare Products  
333 Bridge Street NW Ste. 1125  
Grand Rapids, MI 49504  
O: 269.629.0300  
C: 616.901.7902  
F: 269.629.5770  
[www.allianthealthcare.com](http://www.allianthealthcare.com)  
[www.surgecardiovascular.com](http://www.surgecardiovascular.com)

**a2z Supply Corp**

**Brian Paul Hoornbeek | President |**  
302 Main St. Stevensville, MT 59870 | Ph: (406) 777-1988  
| Fx: (406) 777-1990  
Web: [www.a2zgovsupply.com](http://www.a2zgovsupply.com) |  
[brian@a2zGovSupply.com](mailto:brian@a2zGovSupply.com)  
**Service Disabled Veteran Owned Small Business |**  
**GSA Contract V797P-2183D —**



**Contract Holder**  
Contract V797P-2183D