

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition (Brand Name Only)

1. **Contracting Activity:** This Justification for Other Than Full and Open Competition is prepared by the Department of Veterans Affairs Network Contracting Office (NCO 6) on behalf of the Durham NC Veterans Affairs Medical Center. Purchase Request number. 558-15-1-122-0036
2. **Nature and/or Description of the Action Being Processed:** This Justification provides the rationale for soliciting using a brand name only description for Sonopet Ultrasonic Aspiration Device used for brain tumor cases. A competitive RFQ will be issued as full and open to be competed by small business. A firm fixed purchase order is planned with a delivery no later than 30 days are receipt of order.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**
Sonopet Console /Accessor w/Foot Pedal & IV Pole. 1 EA. MFR # 540-850-000.
Somnopet Cart. 1 EA. MFR # 5450-850-410.
Sonopet, Handpiece Universal. 2 EA. MFR # 5450-820-000.
Univ. Step Torque Wrench 7mm. 2 EA. MFR # 5450-800-038.
Univ. Sterilization Tray 7mm. 2 EA. MFR # 5450-800-278
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 specific name brand product described above has been determined by the Durham VAMC to be the best option for the facility as the operating characteristics are very compatible to the existing system that it is replaced due to life cycle replacement. This operating system is the best option as the physicians and staff is familiar with the system which will not permit for additional training which is a saving in cost and time. Additionally there are proprietary modes of operation, including LT Technology, which allows soft tissue and bone dissection with coupling of longitudinal oscillation and torsional vibration, and improved covers for the tips with improved visualization and access.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A sources sought notice was posted to Federal Business

Opportunity (FBO) under notice number VA246-15-N-0250 from January 10, 2015 through January 13, 2015.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Fair and reasonable pricing will be based on competition received from the solicitation or any discounts that will be provided to the government.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Item was not located on GSA Advantage or GSA E-Buy. The items were verified against an ECAT and DAPA contract however the Contracting Officer considers the items open market as NCO VISN 6 are not permitted to use them. A response was received from 3 small businesses indicating that they can provide the requested items.
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:** Trident Medical Group, LLC, American Medical Depot and TQM Inc. DBA Two Rivers Medical.
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 acquisition of this type, in order to overcome any barriers to competition, market research will be used as a single guide to determine whether or not the market for competition exists.

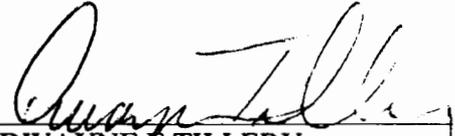
12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

Orlando Figueroa
Orlando Figueroa
NC Nursing Service
VAMC Durham

Date 2/11/2015

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.


DWAYNE E TILLERY
Contracting Officer
Network Contracting Office 6

Date 3/10/15

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


AUDREY WOOTEN
Branch Chief, Commodities Team 2
Network Contracting Office 6

Date 3/11/2015