

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 1, NCO1 on behalf of VA Boston Healthcare System, West Roxbury Campus. 2237# 523-15-1-7936-0049.
2. **Nature and/or Description of the Action Being Processed:**
Brand name Stryker Instruments to be used for the Stryker Navigation System currently in use at the VA Boston Healthcare System to be procured restricted as a SB set aside to Stryker dealers.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**
These are additional instruments needed for the Stryker Navigation System currently in use at the VA Boston. With the new software received, the navigation system cannot be used for spine cases as well as brain cases. Due to the manufacturer's proprietary technology, the Stryker Navigation System only works with Stryker Instruments. These brand name instruments are vital to provide a standard of care in Operating Room Surgical cases to ensure patient safety and care.

Total Value:
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):**
This system is well proven in clinical practices and is familiar to the surgeons who use the Stryker brand name instruments and Stryker Navigation System. The VA Boston OR has an older broken version of these brand name instruments that need to be replaced. Surgeon familiarity with this equipment is a key issue for this brand name equipment across VA Boston campuses and results in greater efficiency which is significant and critical for the continuity of patient safety improvement.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**
This Stryker brand name requirement will be solicited from Stryker SB dealers.

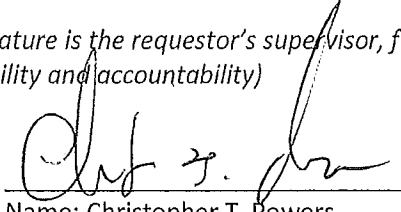
Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: Request for Sole Source Justification Format >\$150K

7. **Describe all efforts taken (or to be taken) to ensure that offers are solicited from as many potential sources as practicable under the circumstances. The following issues should be addressed in this paragraph:**
As stated above, this brand name requirement will be solicited from SB dealers for Stryker brand name instruments which due to the manufacturer's proprietary technology are the only instruments that will work with the Stryker Navigation System.
8. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**
The cost will be determined to be fair and reasonable based on competition for this brand name equipment. The proposed price will also be compared to past purchases for these same instruments by the VA previously as well as standard commercial prices for these instruments.
9. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**
Market Research shows there is more than one vendor who is an SB and dealer for these Stryker Brand Name Instruments.
10. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None
11. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**
A Notice of Intent to solicit this procurement as a sole source was published to FedBizOps on 4/7/2015. As a result of that notice, the Contract Specialist received an email from an SDVOSB Stryker dealer indicating their ability and interest in providing these brand name Stryker Instruments. Based on this response as well as the interest received from another Stryker dealer, a decision was made to solicit this as brand name rather than sole source.
12. **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:**
Market Research will be completed on a continuous basis. If and when the VA Boston decides to replace the navigation system, a search will be conducted to determine if there are any new and innovative technologies that would better serve the Veterans care.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
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13. **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.

(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)



Name: Christopher T. Powers

Title: Administrative Officer, Surgical Service

Facility: VA Boston Healthcare System

May 22, 2015

Date

14. **Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.** This part is filled out by Contracting Staff as part of the Justification

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Heather N.
Hampton 225727

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225727
DN: dc=gov, dc=va, o=internal, ou=people,
0.9.2342.19200300.100.1.1=heather.hampt
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225727
Date: 2015.05.26 10:09:08 -04'00'

5-26-2015

Name: Heather Hampton

Date

Title: Supervisory Contracting Officer

Facility: VA Manchester, NH

- b. QA Review:

Gary W Dilk 231297

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0.9.2342.19200300.100.1.1=gary.dilk@va.gov, cn=Gary W Dilk
231297
Date: 2015.05.26 11:20:17 -04'00'

Name: Gary Dilk

Title: Procurement Analyst

Date:

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

William A
Nalls 253622

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ou=people,
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va.gov, cn=William A Nalls 253622
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Name: Williams Nalls

Date

NCO/PCO 1 Director of Contracting or Designee

Facility: VA Togus, ME