

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)**

Acquisition Plan Action ID: VA244-16-AP-3713

1. **Contracting Activity:** Department of Veterans Affairs, VISN 04, Lebanon VA Medical Center. 595-16-2-480-0024
2. **Nature and/or Description of the Action Being Processed:** A new, firm fixed price contract for two (2) Zeiss Cirrus OCT machines along with the accompanying external lenses and software licenses.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Ophthalmology department is requesting the purchase of two (2) Zeiss Cirrus HD OCT Model 5000 and two (2) Anterior segment Premier Module at a cost of [REDACTED]. The estimated delivery date needs to be ASAP due to the manufacturer no longer supporting the old OCT system. These new units are needed to provide services to veterans while maintaining the high standard of care.
4. **Statutory Authority Permitting Other than Full and Open Competition:** *41 USC §3304(a)(1), as implemented by FAR 6.302-1.*

- ☒ (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 is a "Brand Name Justification." Only the manufacturer "Carl Zeiss" can produce these products. The Zeiss Cirrus HD-OCT Model 5000 equipment is compatible with existing Zeiss units, being able to communicate and transfer data from one unit to another, and are already configured and networked to our databases. The Lebanon VA Medical Center has developed our eye clinic testing with the Zeiss Callisto eye management and Forum viewing system, and only Zeiss components are fully compatible with this design.

Accordingly, ProAim Americas LLC is the only firm capable of providing the supplies described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling its requirements.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

Only one manufacturer “Carl Zeiss” and one distributor “ProAim Americas LLC” was noted at the time of research that carries the equipment that is able to interface with the current equipment needed for diagnostic and imaging requirement of the Ophthalmology department. ProAim Americas LLC meets the clinical requirement of the patients and alternative equipment may put the patient community at risk. The Ophthalmology department and the surgeons request not to have another vendor’s equipment to confuse the users with incompatibility.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The anticipated cost is considered fair and reasonable as this is the same or similar historical price paid by other facilities for the same or similar equipment.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Market research procedures confirmed that no other vendors provide Zeiss products. This included searches of UNICOR, Ability One, GSA Advantage, NAC, FSS, GWAC, BPAs, and FPDS.

- Logistics performed a search of Agency and excess inventories. Nothing found that meets the requirement.
- UNICOR – Nothing found
- Ability One/GSA Advantage – Nothing found.
- NAC/FSS – Nothing found.
- GWAC – No results.
- Multi-Agency contracts/BPAs – Nothing found.
- FPDS returned 6 purchases by the VA. All purchases listed were through PROAIM America’s, LLC, which is Zeiss’s sole government provider.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

The introduction of Zeiss Cirrus OCT machines to the Community Outpatient Clinics will allow eye clinic patients to be treated in their community rather than needing to make a specific trip to the main medical center campus for an eye clinic visit. This will result in better access to care, lower wait times, more efficient patient care, and earlier detection of potential problems with a patient’s eyes. There will be cost savings to the medical center. Because the Ophthalmology clinic has a large patient population with glaucoma and retinal diseases, demand is high for the use of this diagnostic instrument. The clinic will continue to be able to service veterans within the facility, with our instruments, and not fee base patients to community providers for these tests.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

[REDACTED]
[REDACTED]
[REDACTED]

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:

There are no other interested sources other than the manufacturer that can provide the same product required to interface with the existing data and imaging. When this equipment is replaced

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

again the market will be surveyed in order to identify the multiple prospective vendors. There are no known barriers to competition.

- 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.

<hr/> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">SIGNATURE <u>DEBRAH MENTZER</u> NAME <u>LEBANON VA MEDICAL CENTER</u> FACILITY</div><div style="width: 45%;">BUSINESS MANAGER <hr/>TITLE</div></div>	<hr/> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">March 17, 2016 DATE</div><div style="width: 45%;"><u>SURGERY CARE LINE</u> SERVICE LINE/SECTION</div></div>
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13. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP](#).

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

<hr/> CONTRACTING OFFICER'S SIGNATURE <u>ANDREA AULTMAN-SMITH</u> CONTRACTING OFFICER, COMMODITIES TEAM	<hr/> March 17, 2016 DATE <u>Network Contracting Office 4</u> FACILITY
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- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.

<hr/> SIGNATURE <u>ELIZABETH R. MORIN</u> BRANCH CHIEF, COMMODITIES TEAM	<hr/> March 17, 2016 DATE <u>Network Contracting Office 4</u> FACILITY
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