

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 08, Malcolm Randall Medical Center for transaction 573-12-1-221-0003

2.

3. **Nature and/or Description of the Action Being Processed:**

Professional Research Service contract. Initial contract was for one year under PO# 573-D15035 but was not extended by end of FY to cover FY12 requirement. This request will be for a FY12 contract with one year option renewal for FY13.

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

Rat bones (femur) are obtained at sacrifice by the laboratory of the VA Principal Investigator. Bones are store frozen and shipped to the Contractor's Representative.

The Contractor's Representative will perform mechanical testing of bones as follows. Technical details: Femora are wrapped in saline-soaked gauze to prevent dehydration and stored at -20°C and shipped to University of North Carolina at Charlotte Department of Mechanical Engineering. The midshaft of the femora are subjected to the medial lateral three-point bending test, using a MTS material testing machine (MTS Systems Co., Eden Prairie, MN). Before mechanical testing, a preload (10N/0.1mm/s) is applied on the medial surface of the femur using a steel cross-bar fixture. The bending load is applied at 1.0mm/s until failure of the specimen. From the load-deformation curve, the following parameters are determined for the femoral shaft: breaking load, stiffness, and energy absorption. Bone mechanical strength is expressed both as force (measured in Newtons) and stress (measured in newtons/mm<sup>2</sup>). In order to calculate stress, CT scans [resolution < 0.3 mm] are performed on ~12 bones at one time. With the aid of 3-dimensional bone modeling, the following parameters are calculated: ultimate stress (MPa), Young's modulus (MPa) and Strain (%). The latter properties depend solely on the properties of bone material, independent of shape and volume.

Analysis will be performed on bone obtained from 87 animals.

5. **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;
- ( x ) (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;

6. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

The University of North Carolina at Charlotte Department of Mechanical Engineering and Engineering Science have performed the bone density experiments for the past two years. Continuous progress is necessary for validity of the research. The costs required to have a new contractor (personnel, equipment, facilities) for these procedures are cost simply not feasible on a research budget. A new vendor at this time would extensively delay the project and not ensure continuous progress and negate all work thus far. The specifications of the work and the requisite skills needed to successfully accomplish the goals of the contract are of such a nature that only a few organizations possess them. The University of North Carolina at Charlotte Department of

Mechanical Engineering and Engineering Science is the only reasonably viable source to furnish these services, which require the equipment and expertise to perform very specific measures of bone mechanical strength that are relevant to the aims of this project. For this reason, the award of sole source contract to the University of North Carolina at Charlotte Department of Mechanical Engineering and Engineering Science is appropriate and warranted.

7. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: Solicitation was issued for previous procurement action and University of North Carolina was the chosen awardee. Upon completion of research any new research requests will be advertised in accordance with procurement policies.

8. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: Fair and Reasonable determination is based on last year's contract 573-D15035 for identical pricing.

9. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: There are other vendors capable of providing this service, however due to the nature of the requirement and current services being performed by the incumbent contractor, it is not feasible to interrupt research to switch to alternate vendor. TOTAL CONTRACT VALUE IS ANTICIPATED TO BE \$32,000<sup>00</sup> (\$16,000<sup>00</sup> ANNUALLY).  
BSS  
12-15-2011

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:

University of North Carolina at Charlotte

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:  
Future requests will be competed.

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.

Asha Mayes  
Name Asha Mayes  
Title Budget Technician  
Facility VAMC

12/11  
Date

14. 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.

Tammy Syck  
Name  
Contracting Officer  
Facility

12-14-12  
Date

- b. **Product Line Supervisor (PLS):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
Name BRIAN J. SHEPARD Date 12-15-2011  
Contracting Supervisor ACTING SITE SUPERVISOR  
Facility NF/SG VHS.

- c. **DNCM/NCM:** (SAT to \$500,000) I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Mitchell Thomas  
Network Contract Manager  
VISN 8

\_\_\_\_\_  
Date

- d. **SAO:** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
David M. Fitzgerald  
Director  
Service Area Office, East

\_\_\_\_\_  
Date

- e. **VHA HCA Review and Approval:** (over \$500,000) I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.

\_\_\_\_\_  
HCA  
Chief Procurement and Logistics Officer  
VHA Head of Contracting Activity (HCA)

\_\_\_\_\_  
Date

- f. **VA Deputy Senior Procurement Executive Approval (over \$10 not exceeding \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

\_\_\_\_\_  
Iris B. Cooper  
Deputy Senior Procurement Executive (DSPE)  
Office of Acquisition and Logistics  
Department of Veterans Affairs

\_\_\_\_\_  
Date

- g. **VHA Senior Procurement Executive Approval (over \$50 million)**: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

\_\_\_\_\_  
Jan R. Frye  
Deputy Assistant Secretary for Acquisition and Logistics  
Senior Procurement Executive (SPE)  
Department of Veterans Affairs

\_\_\_\_\_  
Date