

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 06 Network Contracting Office (NCO) 6. The purchase number is 652-16-3-087-1572.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for custom surgical procedure bundles, issued in accordance with FAR 13.5 Simplified Procedures 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. A new, sole source, open market purchase order will be awarded to Manus Medical, LLC (DUNS: 800604196).
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Richmond VAMC has a repetitive requirement for custom bundles to be utilized within the Operating Room. The Custom Bundles are made up of individually selected components, specific to the facility where they are used. The bundles are assembled by a manufacturer, sterilized, and shipped to the Richmond VA Medical Center. The independent government estimate is [REDACTED].
4. **Statutory Authority Permitting Other than Full and Open Competition:** The authority for applying the Simplified Procedures for Commercial Items of FAR Subpart 13.5 is 41 U.S.C. 1901 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):** Contract transition periods for custom bundle programs range from two to three months. Manus Medical is the current supplier of custom procedure bundles to the Richmond VA Medical Center. No other company has the capability of meeting the delivery requirements of this contract action. This purchase order is intended to ensure supply to the facility while a long-term, regional procurement is being solicited by the Service Area Office (SAO) Central VA Contracting Office.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** In order to maintain patient services at VAMC Richmond, competition among more than one source is deemed impracticable at this time due to the assembly lead-in time requirement noted in paragraph five. This justification relates solely to the need of ensuring a contractual vehicle is in place pending the execution of a long-term solution.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Pricing for the custom bundles is considered fair and reasonable based on published pricing of the individual components and on acquisition history.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research indicates providers other than Manus Medical LLC may reasonably be able to meet the requirement. However, for the reasons stated above, undue delays incurred by the competitive process are not allowable at this time, as there are

no gains to be realized by competition that would offset the potentially serious consequences of not having product readily available for routine and/or emergency surgical procedures at VAMC Richmond.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None.

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:** The SAO Central VA Contracting Officer is in the process of competitively solicitation a long-term, regional contract for the supply custom surgical procedure bundles.

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.

__//SIGNED//_____
[REDACTED] Date _____
Inventory Management Specialist
VAMC Richmond, VA

13. **Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.**

a. **Quality Assurance:**

__//SIGNED//_____
[REDACTED] Date _____
Lead Contract Specialist

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

__//SIGNED//_____
[REDACTED] Date _____
Contracting Officer
Branch Chief, Supply Team 2
NCO 6

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

__//SIGNED//_____
[REDACTED] (Designee) Date _____
Branch Chief, Supply Team 2
NCO 6