

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** SAO West, VISN 18, El Paso Contracting Office (00258) - 5001 N. Piedras St, El Paso, TX 79930 proposes to enter into a firm-fixed price contract on the basis of justification for other than full and open competition for the Department of Veterans Affairs, West Texas VA Health Care System, 300 Veterans Blvd, Big Spring, TX 79720-5500 for *Custom Cataracts Packs*. The Purchase Request number is (519-12-1-100-0144).
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the procurement of *Custom Ophthalmology Packs*. The contract action will be firm-fixed price, [REDACTED]; Period of Performance is estimated to begin December 01, 2011 thru September 30, 2012). The proposed contractor is Alcon Laboratories, Inc., 6201 S Freeway, Fort Worth, TX 76134-2001.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This request is for the purchase of expendable supplies used in conjunction with Alcon INFINITI® Vision System. This system is located in the surgical service department at the West Texas VA Health Care System. The items requested are proprietary to Alcon Laboratories, no substitute complete packs are available/compatible that work specifically for the Alcon Infinity Vision System. The custom ophthalmology packs come in cases (6 packs per case) consist of the following:
 - 1 CS ASO390-60 (Includes: Miostat, BSS 500ML, Viscoat, Cystotome)
 - 1 EA BLADE, 1, 15' SCREW-IN, 3MM BLADE
 - 1 EA CANNULA, HYDRODISSECTOR, 25G
 - 1 EA CAUTERY, PENCEL, 18G, STRT, W/CRD
 - 1 EA CYSTOTOME, IRR, 25G, FRMD, REV CUT
 - 1 EA DRAPE, OPH, INCISE, 65X100, W/PCHS
 - 1 EA SHIELD, EYE, METAL, W/GARTER
 - 2 PK SPEARS, EYE, 1 SPEAR, 10S
 - 1 EA SUTURE, 10-0 NYLON, AU-5,6,SA
 - 1 EA SLIT KNIFE-DUAL BEVEL 2.75MM ANGLED
 - 3EA BSS STERILE IRRIGATING SOLUTION 15ML
 - 1 EA MIOSTAT (CARBACHOL INTRAOCULAR SOLUTION, USP) 0.01%-1.5 ML
 - 1EA TURBOSONICS MINI-FLARED ABS TIP 0.9MM
 - 1 EA VISCOAT 0.5 ML

1EA BSS STERILE IRRIGATING SOLUTION 500ML
1EA ULTRASOUND FLUIDICS MANAGEMENT SYSTEM (FMS)

OTHER ACCESSORIES

1 EA BAG, SUTURE (BEDSIDE)
1 EA BLADE, BEAVERGUARD ADI, .35MM
2 EA COVER, ARM CHAIR
1 EA COVER, MAYO STAND
3 EA GOWNS, LARGE, NON REINFORCED
1 EA NEEDLE, 18GX1
2 EA PAD, EYE, OVAL
20 EA SPONGE, GAUZE, 12PLY, 4X4
2 EA SYRINGE, 1CC, TB W/27GX1/2
2 EA SYRINGE, 3CC LL
1 EA SYRINGE, 5CC/6CC, LL
3 EA TOWEL, CLOTH, BLUE
1 EA WIPE, INSTRUMENT, ADHESIVE BACK

4. Statutory Authority Permitting Other than Full and Open Competition: (1)

Only One Responsible Source and No Other Supplies or Services Will Satisfy. FAR 6.302-1 allows for the procurement of items through other than full and open competition; (a) Authority, (1) Citations: 10 U.S.C. 2304 (c)(1). (2) When the supplies or services required by the agency are available from only one responsible source, or, For DoD, NASA, and the Coast Guard, from only one or a limited number of responsible sources, and no other type of supplies or services will satisfy agency requirements, full and open competition need not be provided for.

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 WTVAHCS currently owns the Alcon INFINITI Vision System (purchased in 2008) which is a surgical tool used in cataract surgery. The equipment is considered mission critical and imperative to maintaining patient care. The system is made by Alcon Laboratories, Inc. The consumable supplies for this piece of equipment are proprietary. No substitute items are available that work specifically with the currently owned system. In addition, p. 1.17 Manual for the Infinity system has a specific warning stating that use of consumable products and handpieces other than those manufactured by Alcon may affect system performance and create potential hazards.

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

Market research was conducted. A standard ophthalmic pack does not meet the capability or compatibility requirements necessary in the cataract surgery procedure using the currently owned system. There is only one source capable of meeting the requirement. Alcon Laboratory, Inc. is the only company that is capable of providing consumables requested. A Sources Sought was solicited in GSA eBuy with a closing date of November 11, 2011, there were no

interested sellers to the RFQ635246; this indicates that the items are not available in GSA. A notice of award will be posted within 14 days after award is made in FEDBIZOPPS.


7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The anticipated price to the Government is \$271,265.28 (Base plus One Option year; Period of Performance is estimated to begin December 01, 2011 thru September 30, 2012); \$1,541.28 per case (estimated quantities is 176 cases). Pricing techniques as described in FAR 15.404-1(b)(2), will be used to establish price fairness and reasonableness. The Contracting Officer determines that the anticipated price will be fair and reasonable based on historical price analysis.
8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: FAR Part 10 directs that market research be conducted on each acquisition appropriate to the circumstances. A search was conducted in eCMS database to see if other VA contracting offices have procured the same items. The results showed similar purchase orders: ~~0076-11-1244-1-0000~~. Items are only available from Alcon Laboratories, a large business concern. This request is not available from a mandatory source, government wholesale supplier or optional supply schedule. Market research found no socioeconomic category supplier.
9. Any Other Facts Supporting the Use of Other than Full and Open Competition: A Sources Sought Notice was issued on November 22, 2011 with a response date of November 28, 2011. The vendors responses concluded that they could not supply all the items requested in the custom packs due to Alcon being the proprietary and only distributor of items requested. The notice required by FAR 5.201 will be published and any bids or proposals received shall be considered for future requirements. Research on FedBizOps revealed several facilities posting notice to negotiate a Sole Source contract for Custom Surgical Packs for use with INFINITI Vision System. A GSA search did not provide any acceptable vendors.
10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: See 9. above.
11. A Statement of 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: None.
12. Requirements Certification: I certify that the requirement outlined in this justification is a bonafide 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.


Carol McCannough
Chief, Logistics
West Texas VA Healthcare System


Date


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.


Contracting Officer
VISN 18, NCO/SAO-West


Date

b. VISN/PCA OA (Required \$3K and above): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


VISN18 QA/COMPLIANCE PROCUREMENT ANALYST
QA/ Compliance Procurement Analyst
VISN 18, NCO/SAO-West

REVIEWED

By VIIAV18PercIP at 9:26 am, 12/14/11

Date

c. NCM/PCM Approval (Required \$3K and above): 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 for other than full and open competition.


Network Contract Manager
VISN 18, NCO/SAO-West


Date