

Request for Sole Source Memo Format  
**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

For

**Other Than Full and Open Competition**

**1. Contracting Activity:**

Department of Veterans Affairs, VISN 22, Network Contracting Activity, 4811 Airport Plaza Road Suite 600, Long Beach, CA 90815. Transaction: 664-12-2-130-0915, Intuitive Surgical, Inc.

**2. Nature and/or Description of the Action Being Processed:** The VA San Diego Healthcare System shall acquire medical supplies through other than full and open competition as authorized by FAR Part 6.302-2; citing Unusual and Compelling Urgency.

**3. Description of Supplies/Services Required to Meet the Agency's Needs:** The awarded contractor is to provide Intuitive Da Vinci Surgical Supplies necessary to perform laparoscopic surgeries planned for veterans at the VA San Diego Healthcare System. Da Vinci has proprietary right over their products.

**4. 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;

(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):** The requirements are being procured under the authority of FAR Part 6.302-2(b)(1) Unusual and compelling Urgency. This citation allows the restriction of competition when an urgent and compelling need exists and following standard ordering procedures would result in an unacceptable delay. Intuitive products (Da Vinci) are used for Robot Assisted Laparoscopic Surgery for GYN, General, and Urology surgery. All items listed are limited to a maximum of ten surgery cases total. The items must then be discarded and re-ordered for surgery stock. Due to the technology involved for the surgeries; specific forceps, mega needle drivers, camera arms and adapters are needed for these types of laparoscopic surgeries. Without the proper items for surgery, patients surgeries must be delayed which in turn would impact patient care and/or possibility loss of life.

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

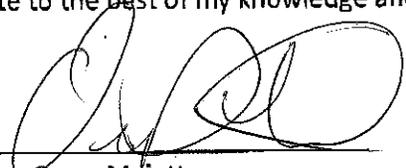
This vendor has proprietary rights to these particular items which work in conjunction with Da Vinci equipment previously owned by the VA and cannot be purchased from any other vendor.

- 7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The estimated cost of \$ \$29580.00 is considered fair and reasonable to the Government based on similar purchase from the VA San Diego Healthcare System.
- 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. Market research has shown these items are of a proprietary nature and are distributed through Intuitive Surgical, Inc.
- 9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**  
The VA San Diego Healthcare System currently utilized machines that work in conjunction with Da Vinci products; cost incurred would be greater purchasing new equipment; and could be detrimental to patient care.
- 10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** There are no other sources that have expressed an interest to date.
- 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 is possibility of future contract negotiations with Intuitive Surgical, Inc. for future surgical products.
- 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.

End user signature  1/19/2012  
 Name \_\_\_\_\_ Date \_\_\_\_\_  
 Title \_\_\_\_\_  
 Facility \_\_\_\_\_

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.

 1/19/2012  
 Name: Omar Majette Date \_\_\_\_\_  
 Title: Contracting Specialist  
 Facility: NCO

- b. **VISN/PCA QA**: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

N/A

Name: Aaron Villalpando

Date \_\_\_\_\_

Title: QA

Facility: NCA

- c. **NCM/PCM**: I certify the justification meets requirements for other than full and open competition.



Name: Edwin Cotto (In Lieu of Kevin Blanchard)

Date \_\_\_\_\_

Network Contract Manager

VISN: 22, NCA