

**DEPARTMENT OF VETERANS AFFAIRS**

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

**Acquisition Plan Action ID: VA248-16-AP-4023**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 8, Orlando VA Medical Center (VAMC) Purchase Request 675-16-2-2281-0089.
2. **Nature and/or Description of the Action Being Processed:** This is a procurement of Stryker surgical orthopedic hardware to include various sizes of cannulated screws, washers and forceps. 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. These supplies are necessary to complete existing firm fixed price orders of Stryker Asnis and Anchorage surgical trays purchased in FY15.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Orlando VAMC requires surgical orthopedic hardware necessary to complete multiple existing Stryker Asnis and Anchorage surgical trays purchased in FY15 via DLA Contract SPM2DE-13-D-7256. Order numbers were: B47016, B53001, B53002, B53003, B53004 and B53005. These supplies are used during surgical procedures in the orthopedic and podiatric specialty areas. In order to support expanded procedures in these areas, the items are needed as soon as possible for the Surgery Department. Currently, Surgery has scheduled fewer procedures due to the low quantity of these complete surgical sets. The components of these trays were not received in their entirety due to one of the previous orders for these components being cancelled. The estimated cost is \$317,639.54 for 227 line items.
4. **Statutory Authority Permitting Other than Full and Open Competition:**  
  

( X ) (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):** Subject supplies are essential to Government needs. Stryker hardware has certain aspects of their systems that make them unique from any other manufacturer. Stryker has a unique screw head that will only work with their screwdrivers.

No other products offered can meet the needs as they will not be compatible with the existing trays. The plates involved are also unique. The holes are fashioned to only accept Stryker screws. The instrumentation used in conjunction with the plates is designed specifically for the tolerances of those plates. Additionally, there is no other Stryker vendor that can sell these products as they are orthopedic products that are only sold by Stryker directly (manufacture documentation on file). These are not included on Stryker's GSA FSS and are only sold open market or through DLA ECATS Contracts. Although the VA is not authorized to use the ECATS program, Stryker is offering the same prices as offered on DLA ECATS Contract SPM2DE-13-D-7256 and provided contract pricing. This contract was awarded under FAR 6.302-1 authority, "Only One Responsible Source", and no other supplies will satisfy agency requirements".

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** In an effort to obtain competition from small businesses Stryker SDVOSBs as well as Small Business vendors were contacted via phone and email. Beacon Points Associates, PX Inc., AMD to name a few all responded that they could not provide these items as they are direct sale from Stryker orthopedics (documentation on file). Again, Stryker confirmed via email that this division is not under their FSS contract and is not sold by any other Stryker distributor. Only direct sales are made for these particular items.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** As previously mentioned the pricing for this award is in accordance with a recently expired DLA ECATS contract. The manufacturer has confirmed in writing that pricing is consistent with that prior DLA contract (documentation on file). That pricing was previously determined fair and reasonable and therefore, in accordance with FAR 13.106-3(a)(2)(iii), is deemed fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Extensive market research confirmed that Stryker's authorized resellers cannot provide these particular items which need to be brand specific for compatibility purposes. Market Research consisted of searching VetBiz, NAC/FSS, and GSA Advantage via internet, to locate potential small business concerns that could satisfy the need of the Government. E-mails were sent and phone calls were made to authorized SDVOSB and small business Stryker distributors to find out if they could provide the needed supplies. All stated that they were not authorized to sell these particular items. Emails from companies contacted to include Stryker Orthopedics are on file. These e-mails, along with a letter from Stryker Orthopedics confirm that the required items are not on GSA and can only be procured directly from Stryker Orthopedics.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Stryker Orthopedics is the only responsible source that can provide the items under this requirement. Stryker does have authorized small and veteran owned distributors, however they cannot resell from the division of Orthopedics, and therefore cannot satisfy this requirement. The items requested are the only ones compatible with the existing trays purchased and are needed to complete these trays. The use of Stryker brand in this acquisition is essential to the Government's requirements, thereby precluding consideration of a product manufactured by another company.

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

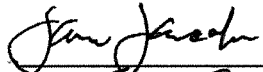
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

Stryker Orthopedics

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:**

Future requirements not subject to this essential brand specificity and will utilize competitive procedures.

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.

  
Name James Jacobs  
Title Surgical Materials Coordinator  
Facility Orlando VAMC

9/20/2016  
Date

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

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

KEITH L. ADAMS 465449

Keith Adams  
Contracting Officer  
Network Contracting Office 8

Digitally signed by KEITH L. ADAMS 465449  
DN: dc=gov, dc=va, o=internal, ou=people,  
0.9.2342.19200300.100.1.1=keith.adams3@va.gov, cn=KEITH  
L. ADAMS 465449  
Date: 2016.09.20 11:07:46 -04'00'

Date

- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

KAWAN

AFRE 427477

Kawan Afre  
Division Chief, Commodities and Prosthetics  
Network Contracting Office 8 (NCO 8)

Digitally signed by KAWAN AFRE 427477  
DN: dc=gov, dc=va, o=internal,  
ou=people,  
0.9.2342.19200300.100.1.1=kawan.afre@v  
a.gov, cn=KAWAN AFRE 427477  
Date: 2016.09.20 17:27:25 -04'00'

20 SEPT 2016

Date