

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

**1. Contracting Activity:** Department of Veterans Affairs, VISN8, James A. Haley Medical Center  
 Transaction number 673-12-3-054-0367 was release as an emergency to procure Uretero-scopes to treat male and female veterans. Previews instruments are broken.

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

Purchase of six Uretero-scopes for the treatment of patients at the VA Medical as an emergency procedure starting on 04-16-12. This is a requisition to purchase surgical instruments.

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

Purchase of six Uretero-scopes for the treatment of patients at the VA Medical as an emergency procedure starting on 04-16-12. This is a requisition to purchase surgical instruments.

**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):**

Contacted manufacture (Stryker) they refer me to American Medical Depot. As per conversation with Stryker AMD has a distribution contract for all Government facilities. To procure this instrument Stryker will not quote and refer me to AMD. This makes AMD the only source to procure Stryker instruments.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Contacted manufacture (Stryker) they refer me to American Medical Depot. As per conversation with Stryker AMD has a distribution contract for all Government facilities. To procure this instrument Stryker will not quote and refer me to AMD. This makes AMD the only source to procure Stryker instruments. Other available scopes will not compatible with existing equipment in Facility. Stryker provided letter please see attachment.



**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

The total cost to the Government will be \$49,810.80.00 FAR subpart 8.404 (d) GSA has already determined the prices of supplies and fixed-price services, and rates for services offered at hourly rates, under schedule contracts to be fair and reasonable. Therefore, ordering activities are not required to make a separate determination of fair and

reasonable pricing, except for a price evaluation as required by 8.405-2(d). By placing an order against a schedule contract using the procedures in 8.405, the ordering activity has concluded that the order represents the best value (as defined in FAR 2.101) and results in the lowest overall cost alternative (considering price, special features, administrative costs, etc.) to meet the Government's needs. FAR subpart 8.402 (f).

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

*Market research shows that there are other brands like Olympus but their product is too rigid and does not provide the same flexibility during procedure. Beside all other equipment available in facility is not compatible with other brands.*

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:**

Award to any other source would result in unacceptable delays and unsatisfactory results from reagents which could delay and/or affect patient health and treatment.


**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 Government shall post a notice on Federal Business Opportunities (EBUY) that permits prospective vendors to submit their respective technical capabilities solely for consideration in future acquisition for the similar supplies and services.

**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.



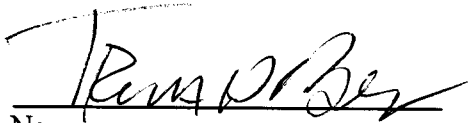
Name Orlando Sierra Morales  
Title Asst Chief SPS  
Facility James A. Haley VA Hospital

04-30-12

Date

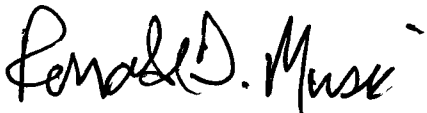
**13. Approvals in accordance with FAR 6.304**

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

  
Name  
Contracting  
Officer Facility

4/2/2012  
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 Ronald D. Music  
Contracting  
Supervisor Acting  
Facility

4/2/2012  
Date