

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 12, *Network Contracting Office 12*, Great Lakes Acquisition Center, 115 South 84th Street, Suite 101, Milwaukee, WI 53214-1476.

Justification for other than full and open competition, Purchase Request # 578-12-1-969-0006.

2. **Nature and/or Description of the Action Being Processed:** Justification and approval for other than full and open competition for the procurement of the GreenLight XPS Laser System for the Edward Hines VA Hospital. This procurement will proceed on a firm-fixed price, sole source basis with American Medical Systems, Inc.(AMS).

A Federal Supply Schedule (FSS) Request for Waiver has been approved for this procurement.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Edward Hines VA Hospital has a requirement for the following medical equipment:

Estimated Costs

a. GreenLight XPS Laser	Qty 1	\$135,000.00
b. Glasses, Eye Protection	Qty 7	\$1,365.00
c. Glasses, Eye Protection, Physician	Qty 3	\$2,985.00
d. Insert, Video Camera, (1.25 in. Diameter)	Qty 1	\$995.00
e. Insert, Video Camera, (.95 in Diameter)	Qty 1	\$995.00
f. Discount		-\$35,500.00

Total Estimated Cost: \$99,500.00

Estimated delivery date is April 2012.

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;

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 American Medical Systems (AMS) GreenLight XPS Laser System is the only device that delivers the 532 nm wavelength of laser light for vaporization of prostate tissue and bladder tumors. The 532 nm wavelength is an ideal wavelength for vaporization of prostate tissue and some superficial bladder tumors due to its unique properties of absorption by oxyhemoglobin in perfused tissue, minimum absorption by saline irrigation, depth of tissue penetration, and inherent coagulation properties.

The XPS device allows delivery of 180 watts of power compared to the 129 watt HPS device that Hines VA Hospital currently has. In addition, the XPS device uses a new fiber that has better durability and efficiency than the previous generation fiber.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** American Medical Systems is the only source for the requested equipment; no other sources are available.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contract Specialist has confirmed with AMS that the quoted prices are market price. In addition, AMS has offered a discount of \$35,500.00 off market price. Market research also shows that the quoted price is below that of some competitors who offer similar but not equal products.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The requestors and the Contract Specialist(s) were unable to identify any equivalent products that provided the specifications the requested equipment has. This market research included both Federal Supply Schedules and open market.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** This procurement has been granted a Federal Supply Schedule (FSS) Waiver.
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:** Other products were considered and demoed, but the Hines VA Hospital staff has vast experience with the 532 nm/GreenLight technology. By purchasing this state-of-the-art device, the VA can expect to build on delivering safe and efficient care to our veterans in the way of minimized hospital stays and complications.

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.

Prashanth Pillai
NAME
Business Mgr. - Surgery Svc.
TITLE

MARCH 30, 2012
DATE
HINES VAH.
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.

Jason R. Bartulis
NAME
CONTRACTING OFFICER
TITLE

3/30/12
DATE
GRAC
FACILITY

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

for Linda Kresend
NAME
Network/Program Contract Manager

3-30-12
DATE