

Service Area Office, East  
Department of Veterans Affairs  
323 North Shore Drive, Suite 500  
Pittsburgh, PA 15212

Memorandum 2011-003  
December 28, 2010

Attachment A: 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 4. Department of Veterans Affairs, VISN 4. Medical Center – VA Pittsburgh Healthcare System. 2237# 646-12-3-222-0674.
2. **Nature and/or Description of the Action Being Processed:** Brand Name Only and Only Available Source Sole Source Award, to Intuitive Surgical, Inc., **950 Kiper Road, Sunnyvale, CA 94086.**
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Robot Supplies manufactured by Intuitive Surgical, Inc. for their Davinci Robot Machine. Estimated Contract Amount \$27,200. Delivery 2 Days after receipt of Order.
- 4.
5. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(g), as implemented by FAR 6.302.

- (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;

6. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

a. **Only One Responsible Source (FAR 6.302-1) –**

*It is essential to the Government's needs to purchase the Intuitive Surgical, Inc., brand, Robotic Supplies, since they are needed for the Intuitive Surgical, Inc. Davinci Robot Machine, which the VA currently has, since no other company's instruments can be connected to this existing Machine. Therefore, for the above reason, this equipment is essential to the Government's requirements, thereby precluding consideration of a product manufactured by another company.*

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*"Accordingly, Intuitive Surgical, Inc., is the only firm capable of providing the supplies described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition.*

*"Accordingly, Intuitive Surgical Inc. is the sole seller of the supplies described in Section III above, and therefore, the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing unacceptable delays in fulfilling its requirements, as well as, duplication of cost that could not be expected to be recovered through competition"*

7. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A Notice of Intent to Sole Source Advertisement will be posted to Fedbizopps, for 3-5 days.
8. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Quoted prices, are the same or comparable to what the VA previously purchased for these same items, among VA Purchase Order No.'s: 646A20415; 646-A20241; 646-A20066; and 646-A00177.
9. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market Research was conducted to determine if the items were Commercial Items, and since the VA has purchased these items from this same Company in the open market, the items are considered to be commercial items. In addition, the VA has been purchasing these items from this company on a Sole Source basis for some time, therefore, no other over an extended period of time, and therefore no other Market Research was conducted, other than the advertising of the proposed Sole Source award action on Fedbizopps.
10. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None
11. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None.
12. **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:** A Notice of Intent to Sole Source will be posted to Fedbizopps for 3-5 days.
13. **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.

Lisa Mincone  
Name: Lisa Mincone  
Title: Inventory Manager  
Facility: UD

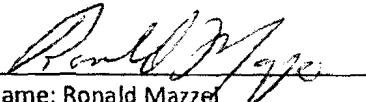
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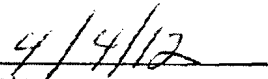
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**14. Approvals in accordance with FAR 6.304**

- 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: Ronald Mazzei  
Title: Contract Specialist  
Facility: HJ Heinz

  
Date

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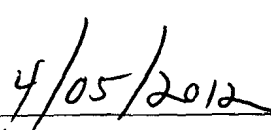
- b. **One Level above Contracting Officer:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief. \*This signature may be the VISN NCM if the Contracting Officer and Contracting Supervisor is the same individual.

\_\_\_\_\_  
Name  
Title  
Facility

\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Name  
Network Contract Manager  
VISN X

  
\_\_\_\_\_  
Date

- d. **SAO East:** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
Director  
Service Area Office, East

\_\_\_\_\_  
Date

- e. **VHA HCA's Review and Approval:** 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 (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.

\_\_\_\_\_  
Date

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- f. VHA Senior Procurement Executive Approval (over \$50 million): I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

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Deputy Assistant Secretary  
Office of Acquisition and Logistics  
Senior Procurement Executive (SPE)  
Department of Veterans Affairs

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Date