

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 648-17-1-9961-0030 - Neptune Rovers & Docking Stations

1. **Contracting Activity:** Department of Veterans Affairs, VISN 20, Portland HCS Medical Center Operative Care Division, Department of Surgery
2. **Nature and/or Description of the Action Being Processed:** The Department of Veteran Affairs proposes to enter into a contract on the basis of other than full and open competition for the Surgical Department's request for Stryker Neptune Rovers and Docking Stations. These items compose a variable power suction system for the removal of fluids and debris from surgical sites.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** Fifteen (15) Rovers – units supply individual control of suction to remove fluid and debris from surgical fields. Includes the ability to supply Smoke Plume removal and allow only ULPA Filtered air to be returned to the sterile environment. Four (4) Docking Stations – Units drain, flush with detergent, and rinse Rover units. These processes are carried out in an enclosed, sealed space. This allows the waste products to be safely drained to normal sanitary sewer systems and shields Operating Room staff from these waste products.
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;

FAR13.5 Simplified Procedures for Certain Commercial Items: The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

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

Since the facility is currently using the Neptune system in all operating rooms and they are seeking to upgrade the system. As such, competition will be limited to a brand name, in accordance with FAR 6.302-1. Addition reasons for continuing the use of this system verses any other on the market is as follows:

The Neptune Surgical Waste Management System provides the following benefits that cannot be met by other similar models (Rover and Docking Station):

Rover:

- A closed fluid capture and cleaning capability which eliminates hospital staff exposure to potential infectious surgical waste products.
- The systems' untethered mobility providing great flexibility in the operating room.
- The Neptune has a unique smoke capture and filtering system.

Docking Stations:

- Units must positively engage, disinfect, drain, flush & power wash with detergent, and rinse Rover units.

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

A Request for Information (RFI) was sent to all SDVOSB/VOSB companies in SIN category A-45 (Suction/Aspiration Equipment) with no positive responses. In addition, a brand name or equal sources sought notice was posted on FBO to see what types of surgical waste management systems could meet the requirements listed above. No other models were provided in response. However I did receive notice from two additional companies (one SDVOSB and one Small business) that could also provide the Neptune 3 System.

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

The manufacturer of the Neptune 3 is Stryker and they have more than two SDVOSB distributors, I will ensure the price is fair and reasonable through competition.

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

Market Research was performed to include a Sources Sought notice to FBO and an RFI to GSA to see if there were systems that were equal to or better and I did not get any information.

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

The following companies have expressed interest in this procurement: Stryker Medical (Large business manufacturer), Beacon Point (SDVOSB), TrillaMed (SDVOSB), Aabon Home Health (SDVOSB), and AMD Medical (Small Business).

10. 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 will be nothing done to overcome barriers, only one brand is acceptable.

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

11. **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.

Jacob P Jackson
457690

Digitally signed by Jacob P Jackson 457690
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1/17/2017

Name Jacob Jackson
Title Contract Officer
Facility NCO 20

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.

Stacia Nunn, Chief, Division II
NCO-20 Director of Contracting Designee

January 17, 2017

Date