

Attachment B: 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 04, Wilkes-Barre PA Medical Center 1111 East End Boulevard Wilkes-Barre, PA 18711. Justification for other than full and open competition in reference to VA purchase request number: 693-12-2-135-0645
2. **Nature and/or Description of the Action Being Processed:** Justification and approval for other than full and open competition for a new firm fixed price contract to be awarded for a set of Total Knee Instrumentation from Zimmer Inc.

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

Purchase of specialty Zimmer Knee instrument trays as a back-up set to existing surgical tools.

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):**

Zimmer Total Knee instrumentation is already in use by practicing physicians, the need for backup instrumentation for highly specialized major equipment will ensure unacceptable delays in the sterilization of equipment. No other company is utilized for Total Knee Arthroplasty. This is a result of recent action plan from delays in surgery. *Zimmer Total Knee and Hip instrumentation needed for the surgical implants that are on VHA Contract.*

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Placed a posting a Special notice on FBO and researched internet and GSA Advantage.

Unable to locate any other distributors of the model numbers.

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

This equipment provides a return on investment with the procedures able to be completed in a timely fashion. There will be less overtime, less sterilization issues, less potential for inspection issues, and infection control.

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

Research was completed by reviewing current government contracts, scanning the internet for comparable products, and searching opportunities on FEDBIZZOPS. The results did not produce any other sources able to supply the model numbers for the Zimmer Total Knee Trays or by any other manufacturer or distributor.

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

Purchase will be sole sourced to Zimmer, Inc due to the products only available from this source.

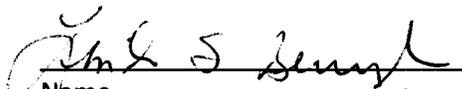
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

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:**

Instrumentation already in use, these instruments are in addition and must be kept uniform in systems. This equipment provides a return on investment with the procedures able to be completed in a timely fashion. There will be less overtime, less sterilization issues, less potential for inspection issues, and infection control. These items have been used by our practicing orthopedic surgeons for many years and it is their preference of instruments.

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
Title OR Manager
Facility WBVA MC


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
Title
Facility

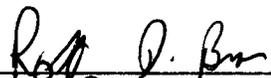
Date

- b. **VISN/PCA QA:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name
Title
Facility

Date

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



Name Brown, Ross D.
Network Contract Manager
VISN/PCA X



Date

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

Name
Director
Service Area Office, East

Date

- e. **VHA HCA 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.

Frederick Downs, Jr.
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

Date

- f. **VA Deputy Senior Procurement Executive Approval (over \$10 not exceeding \$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.

Iris B. Cooper
Deputy Senior Procurement Executive (DSPE)
Office of Acquisition and Logistics
Department of Veterans Affairs

Date

- g. **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.

Jan R. Frye
Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs

Date