

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)

Acquisition Plan Action ID: VA248-17-AP-2252 This Justification and Approval document will also provide justification for all acquisitions of Stryker brand preventative maintenance and emergency repairs on surgical tools owned and maintained by Orlando Veterans' Affairs Medical Center (OVAMC) for the period of the date of this acquisition through March 1, 2018. This J&A will be superseded on the 30th of September 2017 with a new J&A for VISN-wide purposes. That J&A will be reviewed at the end of every fiscal year for applicability and possible renewal for the next period of one fiscal year.

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office - 08, Orlando Veterans Affairs Medical Center, 13800 Veterans Way, Orlando, FL 32827-7403. Instant Transaction # 675-17-1-2202-0003.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for a full services contract, including preventative maintenance (PM) and emergency repair service of Stryker-brand name surgical tools owned and maintained by Orthopedic Department within OVAMC. In accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2. This is a new requirement for firm fixed price contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** OVAMC has a requirement for PM and emergency repair services for Stryker –brand name surgical tools. This contract will cover various pieces of surgical tools that were purchased separately. Prior to the need for this contract, the original purchases of surgical tools were purchased using numerous and varied purchase order numbers. Many of these purchases included maintenance for 3 years through Stryker Corporation and the anticipated need for these PM's and emergency repairs are for those pieces of equipment/tools that are out of warranty. The estimated dollar value for this instant procurement during the base year is [REDACTED] with an aggregate value (base plus options) of [REDACTED]. The anticipated period of performance for the base year is March 02, 2017 – March 01, 2018 plus four option periods.
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):** Stryker Corporation is the Original Equipment Manufacturer (OEM) of the surgical tools to be maintained under this requirement. It is critical that the surgical tools within the VISN be maintained in accordance with OEM specification by trained Stryker Field Service Engineers (FSEs) that are authorized to repair and maintained orthopedic surgical tools. The technology and designs are proprietary to Stryker Corporation. As such, Stryker will not divulge this information to entities outside its organization.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research was conducted to search for potential contractors capable of providing services as described above. Sources Sought Notice was issued on Federal Business Opportunity (FBO) on June 7, 2016, VA248-16-N-1187. Received responses from four small businesses concerns. Here are my findings:
 - a. [REDACTED] however **will not** be able to perform 50% of the work, because 100% of the repair and maintenance will be performed by Stryker Technicians.
 - b. [REDACTED] Small business however **will not** be able to perform 50% of the work, because 100% of the repair and maintenance will be performed by Stryker Technicians.
 - c. [REDACTED]: Small business **with Limited capability**. They will not be able to provide service for the following system components: 7110-120-000 Universal Charger, 5400-277-000 Core Sterile Case-Medium, 4408-000-000 Sabo 2 Saw, 5400-050-000 CORE Console, 7110-120-000 Universal Charger, 7205-000-000 System 7 Dual Trigger, 7206-000-000 System 7 Recip Saw, 7207-000-000 System 7 Sternum Saw, 7208-000-000 System 7 Sagittal Saw, 7209-009-000 System 7 HS Precision Saw, 7000-000-000 System 7 Attachment , 7212-000-000 System 7 Small Battery, 7212-000-000 System 7 Large Battery, and 9000-200-001 Preventative Service 51-100.
 - d. [REDACTED]: Small business, however **will not** be able to perform 50% of the work, because 100% of the repair and maintenance will be performed by Stryker Technicians.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price for maintenance and repairs of this instant procurement is considered fair and reasonable in accordance with FAR13.106-3(a) (2)(ii), comparison of the proposed price with price found reasonable on previous purchase. The Contracting Officer identified VA Contract Number VA259-16-C-0290, in the amount of [REDACTED] to provide identical maintenance services at VA Eastern Colorado Health Care System (VA Denver). The scope and complexity of the services provided in VA259-16-C-0290 are comparable to the size and scope of services at OVAMC. The Government anticipates that the negotiated contract price will reflect a discount from Stryker Corporation commercial price verses prices from other small business contractors with Stryker performing 100% of the work.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: As described in Section 6 above, market research, in accordance with FAR Part 10 was conducted by sources sought notice of the proposed requirements, advising industry of the pending acquisition and soliciting inquiries from interested parties. Search on VETBIZ.gov identified SDVOSBs/VOSBs with NAICS 811219, however only four responded to the sources sought notice posted on FBO on June 7, 2016.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: None.

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

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]

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: No actions are planned to remove or overcome any barriers to competition. Stryker Corporation is the only authorized OEM that could perform maintenance and repair without voiding the extended warranty.

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

12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of OVAMC 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.

[Redacted]
Chief Nurse, Specialty, Ambulatory Care
Lake Nona OVAMC

[Redacted]
Date

13. 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.

[Redacted]
Contracting Officer
Orlando VAMC, NCO 08

[Redacted]
Date

b. **Division Chief Services NCO8, Network Contracting Office:** I certify the justification meets requirements for other than full and open competition.

[Redacted]
NCO 08 Network Contracting Office NCO 08
Tampa VAMC

[Redacted]
Date

c. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

[Redacted]

[Redacted]
Date

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NCO 08 Deputy Director of Contracting NCO 08
Tampa VAMC

- c. **VHA SAO 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 (if over \$13.5 million) or approve (\$700K to 13.5 million) for other than full and open competition.

[Redacted Signature]

VHA Head of Contracting Activity (HCA)
Director, SAO East

[Redacted Date]

Date