

## DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA246-17-AP-9797

1. **Contracting Activity:** Department of Veterans Affairs, VISN 6, and Network Contracting Office (NCO) 6, Veteran Affairs.
2. **Nature and/or Description of the Action Being Processed:** The purpose of this justification is to request sole source approval for a short-term (5 month base + 1 (6) month option) bridge contract with the incumbent contractor/manufacturer. This is procurement for custom surgical procedure bundles; issued in accordance with FAR 13.5 Simplified Procedures for accordance with FAR 13.5 for Certain Commercial Items. 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.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Richmond VAMC has a repetitive requirement for custom bundles to be utilized within the operating room. The custom bundles are made up of individually selected components, specific to the facility where they are used. The bundles are assembled by a manufacturer, sterilized, and shipped to the Richmond VA Medical Center. The current contract has expired and there is an imminent need to continue service to support patient care. The Independent Government Estimate is \$412,618.
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;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Due to the time required to adjust to a different manufacturer, there are several compelling reasons to sole source this short term contract until a new contract can be awarded. Changing pack manufacturers, components, or distributors initially takes approximately 120 days to allow the new contractor lead time to stock all required components. Manus Medical LLC is the only known vendor which has the specialized products readily available at this time that meets VAMC Richmond requirement for very specific precision surgical procedures. This contract is intended to ensure supply to the facility while a long-term, regional procurement is being protested at the Service Area Office (SAO) Central VA Contracting Office.

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

In order to maintain patient services at VAMC Richmond, competition among more than one source is deemed impracticable at this time due to the assembly lead-in time requirement noted in paragraph five. This justification relates solely to the need of ensuring a contractual vehicle is in place pending the execution of a long-term solution.

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

Pricing for the custom packs is considered fair and reasonable based on published pricing of individual components and on historical procurements.

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

Market research indicates providers other than Manus Medical LLC may reasonably be able to meet the requirement. However, for the reasons stated above, undue delays incurred by the competitive process are not allowable at this time, as there are no gains to be realized by competition that would offset the potentially serious consequences of not having product readily available for routine and/or emergency surgical procedures at VAMC Richmond. It is anticipated the upcoming Facility requirement for custom surgical packs will be solicited using Full and Open Competition.

**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:**

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:**

The SAO Central VA Contracting Office is in the process of resolving a protest of a competitive solicitation for a long-term regional contract for the supply custom surgical procedure bundles.

**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.

5/11/2017

\_\_\_\_\_  
Kelius Hardy  
VAMC Richmond, NC

\_\_\_\_\_  
Date

13. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP](#).

- a. **Contracting Officer's Certification (required)**: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

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Shamike L. Bethea  
Contract Specialist  
Network Contracting Office (NCO) 6

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5/11/2017  
Date

- b. **Director of Contracting /Designee (Required \$150K and above)**: I certify the justification meets requirements for other than full and open competition.

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Gregory Evans  
Branch Chief, Commodities Team 2  
Network Contracting Office (NCO) 6

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5/11/2017  
Date