

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA246-17-AP-8273

1. **Contracting Activity:** Department of Veterans Affairs, VISN 06, Asheville VA Medical Center
PR-IFCAP 637-17-3-042-0478
2. **Nature and/or Description of the Action Being Processed:** This **Brand Name Only** procurement is for Surgical Power Instruments to the Asheville VAMC 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.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This procurement for Surgical Power Instruments has a total estimated value of \$196,295. The estimated delivery date of this procurement is 19 Aug 2017 for the following items:

ITEM DESCRIPTION	QUANTITY
PC-450 Power Console (less irrigation)	03
MCZ-450 Handpiece	06
Cordset – 4 Metre	12
DZ-450 Drill Head ¼" Jacobs	06
DZ-450 Drill Head – A.O. Drive	06
NZ-450 Sagittal Head (S88) Wrenchless	06
WZ-450 Wire Driver Head	06
PZ-450 Pin Driver Head	06
ECV-220 Universal Handpiece – Straight Case, Lever Control	06
OV-220 Micro Oscillating Head	02
BV-220 Rotary Bur Head	03
Burr Guard – Long	03
NV-220 Micro Sagittal Head S88	06
Sterilization Container (for MPZ/MCZ/EPV Metal Insert)	06
3 Year Warranty	01

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):** BRAND NAME ONLY. Accordingly, De Soutter Medical USA, Inc is one of the only vendors 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. The Asheville VAMC Surgical Service Department currently utilizes De Soutter products and the items being sought are an extension of this pre-existing equipment, standardizing within the existing brand platform for both use and reprocessing. Such standardization has been VHA policy intent since 2009. The instruments are needed to provide care for Veterans requiring total joint replacement. As all staff members are already familiar and proficient with this equipment, re-training of staff will not be required, thus preventing any delays in patient care procedures.
- 6. Description of efforts made to ensure that offers are solicited from as many potential sources as deemed practicable:** Sources Sought Notice was issued (via FedBizOpps) under VA246-17-Q-0984 on 3 May 2017 (closed 8 May 2017), with two SDVOSB vendors providing a response, thus fulfilling the Rule of Two for a SDVOSB Set-aside. Both vendors provided "or equal" requirements, which would be deemed non-responsive as they would not meet the facility requirement of Brand Name Only. Additionally, a search of VIP revealed 140 vendors that could possibly fulfill these requirement and no vendors were found during a search of SBA DSBS. Additional market research reveals that the specific requirements of the facility could be met via utilization of De Soutter (small business).
- 7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost to the Government will be considered fair and reasonable based on a comparison of similar item purchases made at various sites. As this will be a competitive procurement, it is anticipated that this will provide the basis for determining price reasonableness.
- 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 VI above, market research, in accordance with FAR Part 10, was conducted via a Sources Sought Notice (as well as checking VIP, SBA DSBS, and previous purchases of similar equipment), advising industry of the pending acquisition and soliciting inquiries from interested parties.
- 9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** As this requirement is for supplies, item descriptions were utilized for this acquisition. These item descriptions provide the basis for a Brand Name Only procurement.
- 10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Geo-Med, LLC (SDVOSB) (ConMed products) and Beacon Point Associates, LLC (SDVOSB) (Stryker products).
- 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 before making subsequent acquisitions for the required supplies, as the facility surgical staff's proficiency and familiarization with a range of surgical products dictates which supplies will be required (most surgical staff personnel are trained on specific items, vice a complete range of similar items).

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.

DAVID R.
PRZESTRZELSKI 287015

Digitally signed by DAVID R. PRZESTRZELSKI 287015
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0.9.2342.19200300.100.1.1=david.przestrzelski@va.
gov, cn=DAVID R. PRZESTRZELSKI 287015
Date: 2017.05.13 22:20:41 -04'00'

May 13, 2017

David Przestrzelski
ADPCS/Nurse Executive
Asheville VAMC

Date

13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.

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

Matthew R.
Gray 1102355


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1102355
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va.gov, cn=Matthew R. Gray 1102355
Date: 2017.05.15 08:07:38 -0400

05/15/2017

Matthew R. Gray
Contract Specialist
NCO 6

Date

- b. Director of Contracting /Designee: I certify the justification meets requirements for other than full and open competition.



Gregory D. Evans
Branch Chief, Supply Team II
NCO 6

5/15/2017

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.

John J. Kopp
Division Chief
NCO 6

15 MAY 17

Date

- d. Quality Assurance and Compliance Officer (Required over \$150K): I certify the justification meets requirements for other than full and open competition.

Jeffery Benton
Quality Assurance and Compliance Officer
NCO 6

Date