

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval For Other Than Full and Open Competition

Acquisition Plan Action ID: VA246-17-AP-11673

1. Contracting Activity:

Department of Veterans Affairs, VISN 06, Network Contracting Office 06, 100 Emancipation Drive, Hampton, Virginia 23667

2. Nature and/or Description of the Action Being Processed:

This is a Brand Name Only Requirement for Karl Storz Flexible Video Cystoscopes, Esophagoscopes, Laryngoscopes, supporting hardware and accessories for the Asheville VAMC, Charlotte HCC and the Kernersville HCC. This requirement shall be executed as a sole source to L1 Enterprises under the authorities cited in Para. 4 of this document.

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

This Requirement is for Flexible Video Cystoscopes, Esophagoscopes, Laryngoscopes, supporting hardware and accessories for the aforementioned which will be added to the existing inventory of Karl Storz Brand Scopes and will seamlessly integrate into the existing infrastructure in the clinics. These Medical Centers are in need of this additional equipment to replace unserviceable inventory and provide additional back up equipment when equipment in inventory becomes unserviceable or is sent offsite for repair. Additionally, the equipment for the HCC's must be identical to that of the Salisbury VAMC Campus as equipment is shuttled between the facilities when equipment becomes unserviceable. Estimated Value of this procurement is approximately \$_____.

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
- (X) (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;

This requirement will be executed under the authorities cited above the in conjunction with Public Law 38 U.S.C. 8127(b) and VAAR 819.7008 Sole Source Awards to Service-Disabled Veteran-Owned Small Business Concerns.

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

The infrastructure of the Urology and ENT Clinics at the Asheville and Richmond VAMC's had previously been standardized on Karl Storz Brand Scopes and Software Platforms. L1 Enterprises, Inc. is Karl Storz Endoscopy's Strategic SDVOSB Partner. The acquisition of any other scope, supporting equipment and/or software infrastructure would lead to the substantial duplication of cost that could not be expected to be recovered through competition and unacceptable delays in fulfilling the agencies requirements.

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

The Contracting Officer (CO) relied upon personal knowledge of this and similar requirements for the VISN 06 Urology and ENT Clinics. The CO is familiar with Karl Storz and their present day business relationships for scope related product lines. Additionally, VIP was utilized to validate L1 Enterprises claim to SDVOSB Status. Furthermore, Karl Storz asserted that "Karl Storz and L1 Enterprises Inc. formed a Strategic Partnership for the purposes of sale to the Department of Veteran Affairs and that L1 Enterprises Inc. had been selected by Karl Storz Endoscopy as its Strategic SDVOSB Partner".

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

The Contracting Officer anticipates that fair and reasonable pricing shall be achieved prior to the award of any subsequent contract action.

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

Market research was conducted via utilizing the World Wide Web, Google, GSA Advantage, Medsur Catalog Search Tool hosted by the National Acquisition Center (CSST), Tele-cons with Subject Matter Experts, Tele-Cons with Industry Vendor Information Pages (VIP) and the Contracting Officer's personal knowledge.

As a result of all market research conducted it was found that most items required to meet the minimum needs of the Government are available via Karl Storz FSS Contract V797D-30255. VIP returned 116 Vet Owned Businesses under the applicable NAICS Code of 334510. VIP was also utilized to validate L1 Enterprises claim to SDVOSB Status. Furthermore, Karl Storz asserted that "Karl Storz and L1 Enterprises Inc. formed a Strategic Partnership for the purposes of sale to the Department of Veteran Affairs and that L1 Enterprises Inc. had been selected by Karl Storz Endoscopy as its Strategic SDVOSB Partner".

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:

Karl Storz Endoscopy-America, Inc.
2151 E. Grand Avenue
El Segundo, CA, 90245-5017
Large Business

L1 Enterprises, Inc.
340 W Patrick St
Frederick, MD, 21701-4887
SDVOSB

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:

None

- 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.

Assistant Chief SPS
Asheville VAMC

Date

- 13. Approvals in accordance with the VHAPM, Volume 6, Chapter VI: OFOC SOP.** This part if filled out by Contracting Staff as part of the Justification

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.

Contracting Officer
Network Contracting Office 6

Date

b. **Director of Contracting /Designee:**

I certify the justification meets requirements for other than full and open competition.

Branch Chief, Supply Team II
Network Contracting Office 6

Date