

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA248-17-AP-14723

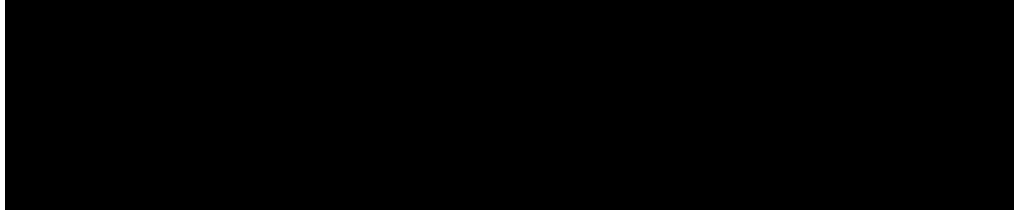
1. **Contracting Activity:** Department of Veterans Affairs, VISN 8, James A. Haley Medical Center, 13000 Bruce B. Downs Blvd, Tampa, FL. Reference [REDACTED]
2. **Nature and/or Description of the Action Being Processed:** This is an urgent and compelling procurement of a Carl Zeiss Lumera 700 Floor stand Microscope with attachments to be used by ophthalmology. This procurement is a new Firm-Fixed Price contract to purchase a Carl Zeiss Lumera 700 Floor stand Microscope 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 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 is for a Carl Zeiss Lumera 700 Floor Stand Microscope with attachments to be used in the Tampa VA Medical Center. The Zeiss Lumera 700 is used to perform microscopic ophthalmic intraocular surgery. The estimated value of this procurement is \$201,961.65.
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;
 - (X) (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):** This is an Unusual and Compelling Urgency procurement for a Carl Zeiss brand microscope. The current Ambulatory Surgery contract (VA248-16-D-0148) is expiring on 8/21/17 and was not renewed leaving 1200 patients needing to be accommodated in the main hospital. Any delay in this procurement will compromise the medical facilities ability to meet patient's needs. Delays in obtaining this microscope will also have an increased cost due to having to send patients out on a Fee Basis wasting currently unused operating room time. A Carl Zeiss brand microscope is needed due to the non-compatibility of other manufacturers microscopes with the existing Zeiss camera system. The Zeiss microscope is the only one that interfaces with the existing Biom retina lenses for retina surgery. The Biom is only set up

for the Zeiss brand as it has the identical footprint to adapt the Biom to the new Zeiss Lumera microscope.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Carl Zeiss is a large business manufacturer who only has one authorized distributor within the United States (PROAIM America, LLC) a small business. Carl Zeiss only sells to healthcare providers and institutions in the U.S through its distributor.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Pricing received is in comparison with previous purchases of similar item (VA248-17-P-2285, refurbished which include the microscope and attachments). Due to the urgent nature of the requirement further market research pricing was not obtained.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The specific technical requirement of this requirement indicates Carl Zeiss is the only manufacturer capable of supplying the requested item. No further market research was conducted beyond contacting the manufacturer and authorized distributor.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The current primary microscope in the operating room is very old. There will be two days a week when ophthalmology will have two operating rooms and only one functioning microscope. With the change to the main hospital to perform these procedures a secondary microscope is needed. Additional training for services and use would not be required since the Zeiss microscope is currently used in the OR; therefore, minimum downtime from patient care would result. Since both retina and vitreous surgery are performed, additional options for viewing the retina provided by the Zeiss Lumera microscope is needed.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** PROAIM Americas, LLC
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:** This justification will be posted within 30 days of award on FEDBizOpps (FBO) for 30 days in accordance with FAR 13.501(a)(1)(iii) allowing interested sources an opportunity to respond. Any future requirement not subject to Unusual and Compelling Urgency will employ competitive procedures.

Chapter VI: Other Than Full and Open Competition (OFOC) SOP
Attachment 3: 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 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.



- 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.

