

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

**1. Contracting Activity:** Department of Veterans Affairs, Network 16 Contracting Activity, Michael E. DeBakey VA Medical Center (MEDVAMC), Houston, TX.

**2. Nature and/or Description of the Action Being Processed:** Sole source acquisition of OPMI Pentero 900, for the MEDVAMC Operating Room per purchase request 580-17-3-167-0682. This procurement being processed 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:** The Michael E. DeBakey VA Medical Center (MEDVAMC) is requesting procurement of the Pentero 900 because. This brand is specifically requested since this is the brand currently used in the operating room. The microscope will be used for brain and spine surgeries, and as a result standardization is required to increase patient safety.

**4. Statutory Authority Permitting Other than Full and Open Competition:** 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):** The Pentero 900 is the microscope that the MEDVAMC currently uses in the operating room for critical patient surgeries, including surgical procedures on the brain and spine. As a result of the critical use of the requested microscope, MEDVAMC is seeking standardization to minimize the risk of operator error to increase patient safety. Having to use two different types of microscopes for procedures would increase the risk of operator error, which is unacceptable. Staff surgeons and clinical support staff are trained on the Pentero 900, and as a result no other microscope brand is acceptable due to differences in functionality. Per GAO decision B-411904 standardizing equipment to improve patient safety sufficiently supports a brand name only designation. The procurement of the Pentero 900 microscope relates to human safety, and per the cited GAO decision, the procuring agency has the discretion to set its minimum needs so as to achieve no just reasonable results, but the highest possible reliability and effectiveness. As a result, only the Pentero 900 brand microscope will meet MEDVAMC’s need.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** As described in the market research

section below, a sources sought was published on FBO. Per the results of that market research it was determined that this action must be sole source directly to the Pentero 900 manufacturer, Carl Zeiss Meditec.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Prior to final award price analysis will be conducted to ensure the Government receives fair and reasonable pricing.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A sources sought was posted to FBO number VA256-17-N-0783 in an attempt to establish sources. Multiple responses were received marketing other microscope brands, but per the information described in paragraph #5 above, only the Pentero 900 Microscope will meet VA's need due to need to increase patient safety to the highest possible level. Only one response was received from a vendor citing capability to provide the exact brand name Pentero 900 microscope, and that single source is PROAIM Americas. As a result of this market research, it has been determined that a sole source award will be made to PROAIM Americas to meet VA's need.

**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:** PROAIM Americas is the only source that responded to the sources sought citing their capability to provide the exact brand name microscope.

**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:** In the future, if the medical facility determines that an upgrade in technology is needed, that procurement will be processed on a competitive basis. (As stated, due to the need for standardization to increase patient safety to the highest level possible, only the Pentero 900 microscope will meet VA's need.)

**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. For future requirements of this type we will once again conduct extensive market research to try to locate competition on our requirement.

*Hayley Raymer*  
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Hayley Raymer, COR  
Program Analyst, Operative Care Line  
Michael E. DeBakey VA Medical Center

*August 7, 2017*  
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Date

1. **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.

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Reuben A. Zepeda  
Contracting Officer  
Network Contractin Office 16

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Date