

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA263-17-AP-6553

1. **Contracting Activity:** Department of Veterans Affairs, NCO 23, Nebraska Western Iowa VA HealthCare System (VAHCS), 4101 Woolworth Avenue, Omaha Nebraska 68105

2237: 636-17-2-1963-0141-Eye Microscope

2. **Nature and/or Description of the Action Being Processed:** This procurement is for a firm fixed price purchase order for a new OPMI Lumera 700 Surgical Microscope for the ophthalmic surgical cases at the Omaha VA Health Care System (HCS) 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.

Quantity: 1 microscope/related accessories

3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This procurement is for a new OPMI Lumera 700 Surgical Microscope and required/related accessories to complete ophthalmic surgical cases in the Operating Room (OR) at the Omaha VA HCS.

Delivery Date: 90 days ARO

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):** This is a brand name justification in support of FAR 11.105, Items Peculiar to One Manufacturer. The Omaha VA Health Care System requires a OPMI Lumera Surgical Microscope and related/required accessories, manufactured by Carl Zeiss. At the Omaha VA HCS, they have two (2) Operating Rooms dedicated to ophthalmic surgical cases. The surgeon moves from one operating room to the other during surgical procedures. The Omaha VAHCS is currently utilizing this microscope and they require that both ophthalmic surgical operating rooms be equipped with the same instruments to maintain consistency for the providers and ensure patient safety. The surgical residents that train with the NWI staff surgeon also need to utilize the same equipment in both rooms to ensure consistency of training and treatment for the veteran patient. The related disposable items used with these microscopes also need to be the same to prevent confusion and maintain consistency.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** As the quote received by the customer did not include FSS/GSA information, nor did their market research include evidence of availability of Government contract, a sources sought notice was posted to FBO.gov. The sources sought/RFI notice was posted on August 10, 2017, to conduct market research potential vendors that could provide the OPMI Lumera 700 surgical microscope. The RFI closed on August 16, 2017 and 1 SDVOSB responded that they could provide an exact match, one small business suggested an 'or equal' and one small business could quote an exact match. As the rule of two for Kingdom ware was not met, this procurement cannot be set aside for SDVOSBs, however it appears that there are at least two responsible small businesses that could provide an exact match quote for the OPMI Lumera 700 Surgical Microscope.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Price will be determined fair and reasonable through comparing quotes received from the solicitation and market research such as, but not limited to, reviewing past purchases, list pricing and comparable items. In addition, I anticipate receiving quotes from at least two responsible small businesses that can provide this item, which should demonstrate 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/Request for Information (RFI) was posted on FBO.gov to conduct market research on the amount of qualified and capable businesses that can provide the item(s) requested. The sources sought notice was posted on August 10, 2017 and closed on August 16, 2017. Only 1 SDVOSB responded that they could provide an exact match, one small business suggested an 'or equal' and one small business could quote an exact match. As the rule of two for Kingdom ware was not met, I cannot set aside for SDVOSBs, however it appears that there are at least two responsible small businesses that could provide an exact match quote for the OPMI Lumera 700 Surgical Microscope.
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 LLC
 - Corps Biologics LLC
 - Medfinitiy 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:** Market research will be conducted for future procurements to determine if there are any other manufacturer's products that would provide seamless operation with the Lumera microscope.

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.

Date

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.

08/18/2017

Date

- b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

08/18/2017

Date