

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: __VA241-17-AP-6031

1. Contracting Activity: Department of Veterans Affairs, VISN 01, VA Medical Center, West Haven CT. 689-18-1-7441-0008

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

This document is a sole source procurement for the purchase of a yearly service contract on the Stealth S7 system produced by Medtronic, Inc. The instruments are used in the Operating Room at the VA Connecticut West Haven Campus. The Stealth system is used for complex cranial and spinal procedures. It is critical that this device be maintained up to OEM specifications and put on regular maintenance intervals to ensure proper functionality. Due to the complexity and the high profile use of this equipment the OEM, Medtronic, Inc., is the only entity that can adequately service this device. The service contract includes corrective and preventative maintenance tasks which are essential to the Operating Room's caseload and the overall mission of VA Connecticut.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for yearly maintenance services of the Stealth S7 System 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 Medtronic Stealth S7 system is critical for the Surgical Service. VA Connecticut is a complex 1A hospital due to our academic affiliations and the high profile cases completely within our intuition; such cranial and spinal procedures. In order to withhold the high standard of patient care at VA Connecticut the Stealth S7 system needs to be maintained properly. Specialized maintenance will result in higher patient care and will greatly eliminate patient care issues associated with the equipment. Only the OEM, Medtronic, Inc., has the knowledge and expertise to complete corrective and preventative maintenance on this device. As such, no other supplies or services will meet the agency's needs. A firm fixed price purchase order in the amount of \$70500.00 per year including option years for a total amount of \$352500.00 to the OEM is recommended.

4. Statutory Authority Permitting Other than Full and Open Competition:

FAR13.5 Simplified Procedures for Certain Commercial Items: 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 service contract on the Medtronic Stealth system will ensure the Surgical Service will have enough high quality medical technology available to complete cranial and spinal procedures at VA Connecticut. The surgeons rely on this equipment every day to make sure the patient does not endure any unnecessary trauma. Per the FAR 6.302-1 the Medtronic Stealth system is a 'highly specialized' device and requires OEM expertise for service needs. The denial or delay of this purchase could result in diminished patient care at the VA Connecticut HCS. Market research was conducted (Sources Sought Notice VA241-17-N-0692) but no other companies have the expertise, the knowledge, and the proprietary parts needed to adequately maintain the Stealth System. As such, no other supplies or services will meet the agency's needs. Due to the complexity and the high profile use of this equipment the OEM, Medtronic, Inc., is the only entity that can adequately service this device. The service contract includes corrective and preventative maintenance tasks which are essential to the Operating Room's caseload and the overall mission of VA Connecticut.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: Sources Sought Notice VA241-17-N-0692 was published on September 15, 2017 with no responses. VetBiz search results showed no SDVOSB/VOSB companies. Previous services were contracted with OEM vendor.

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

IGCE and quoted price are comparable, services previously awarded to OEM is the same as current quoted price.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Sources Sought Notice VA241-17-N-0692 was published on September 15, 2017 with no responses. VetBiz search results showed no SDVOSB/VOSB companies. Previous services were contracted with OEM vendor. Pricing has been consistent with previous pricing from the OEM and consistent with the IGCE.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

none

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 at this time as the equipment is proprietary.

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.

Name
Title
Facility

Date

13. Approvals in accordance with the [VHAPM Part 806.3 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.

Name
Title
Facility

Date

b. **One Level Above the Contracting Officer (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Name
NCO/PCO XX Duty Title
Facility

Date