

Attachment B: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval For Other Than Full and Open Competition

Contracting Activity: Department of Veterans Affairs, VISN 04, VA Pittsburgh Healthcare System, University Drive Division. 2237#646-12-3-222-0901

Nature and/or Description of the Action Being Processed: Brand Name Only Sole Source and Sole Source Award, to American Medical Depot, for Synthes USA products.

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

Amount \$79,574.00

Statutory Authority Permitting Other than Full and Open Competition: 41 USC 253 (c) (1), as implemented by FAR 6.302-1.

- (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;

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

It is essential to purchase the Synthes USA Distal Fibula PL Instrument and Implant Set (Stock No. 01.112.077), which are Orthopedic Appliances, since they are needed to be used with same equipment currently being used by the VA Pittsburgh Healthcare System, and since these items will only fit/work with the existing Synthes instruments.

In addition, per VAAR 806.302-5 (b) (1), the Department of Veterans Affairs has authority under 41 USC 253 (c) (5) and 38 U.S.C. 8123 to purchase Orthopedic appliances without providing for full and open competition. Therefore, award will be made to American Medical Depot, who is a Small Business, and one of only two authorized re-sellers of the Synthes USA products, and the only re-seller that can offer the same price as Synthes USA, who is the manufacturer, and can also provide the needed Warranty and other delivery and on-site support services through Synthes.

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

N/A. (See above authority). Notice of Intent to Sole Source will be posted to Fedbizopps for 3-5 days.

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

The prices quoted by American Medical Depot, are deemed fair and reasonable, since they are the same price that Synthes USA quoted the VA, and since the prices are the same as Synthes charged another Private Sector Hospital and the VA Pittsburgh Healthcare System for the same items/set. (Copies of paid invoices and/or VA Purchase Order, are in the Contract File under S23).

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

Market research was conducted to determine if the items were commercial items, and since the items have been sold in the Commercial Marketplace and to the US Government, the items are considered commercial items.

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

This Medical Appliance needs to be purchased, as soon as possible, since these Sets are used for emergency surgeries, and the VA Pittsburgh Healthcare System currently does not have any backup Set, in the event the existing one breaks or drops and is no longer considered sterile.

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

Synthes USA

Tidewater LLC (Provided a statement that indicated their prices would be higher than Synthes USA prices, and therefore, would also be higher than American Medical Depot)

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:

A Notice of Intent, along with the Other than Full and Open Competition Memorandum, that includes the Brand Name Only Sole Source and Only Available Source Justification will be posted on the Government Point of Entry (GPE) Fedbizopps, for 3-5 days, prior to the Award of any Contract.

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.

(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)

Lisa Mincone
Name: Lisa Mincone
Title: Inventory Management Specialist
Department/Facility:

6-27-12
Date

Approvals in accordance with FAR 6.304:

Contracting Officer's Certification: (required) I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Ronald Mazzei
Name: Ronald Mazzei
Title: Contract Specialist
Facility: HJ Heinz

6/28/12
Date

VISN/PCA QA: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name Date
Title
Facility

NCM/PCM: I certify the justification meets requirements for other than full and open competition.

Angelmarie Scott
Name Date
for Network Contract Manager
VISN/PCA

6/28/12

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

Name Date
Director

Service Area Office, East

VHA HCA Review and Approval: I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.

Norbert Doyle
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

Date

VA Deputy Senior Procurement Executive Approval (over \$10 not exceeding \$50 million): I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Iris B. Cooper Date
Deputy Senior Procurement Executive (DSPE)
Office of Acquisition and Logistics
Department of Veterans Affairs

VHA Senior Procurement Executive Approval (over \$50 million): I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Jan R. Frye Date
Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs