

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval (J&A)

For

Other Than Full and Open Competition (>\$150K)

Acquisition Plan Action ID: VA246-17-AP-15343

1. **Contracting Activity:** Department of Veterans Affairs, VISN 06, Network Contracting Office 6. 652-18-1-087-0008.
2. **Nature and/or Description of the Action Being Processed:** The purpose of this justification is to request sole source approval for a one year bridge contract with the incumbent contractor/manufacturer. This is procurement for custom surgical procedure bundles; issued in accordance with FAR 13.5 Simplified Procedures for accordance with FAR 13.5 for Certain Commercial Items. 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 Richmond VAMC has a repetitive requirement for custom bundles to be utilized within the operating room. The custom bundles are made up of individually selected components, specific to the facility where they are used. The bundles are assembled by a manufacturer, sterilized, and shipped to the Richmond VA Medical Center. The current contract has expired and there is an imminent need to continue service to support patient care. The Independent Government Estimate is \$323,848.87.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §3304(a)(5), 38 U.S. Code § 8127, as implemented by FAR 6.302-5 (Authorized or Required by Statute). COs may use the non-competitive (sole source) procedures authorized in VAAR 819.7007 or 819.7008 up to \$5,000,000. Check the specific VAAR clause used below:
 819.7007 Sole source awards to a verified service-disabled veteran-owned small business;
or
 819.7008 Sole source awards to a verified veteran-owned small business
5. **Demonstration that the Contractor's Unique Qualifications and/or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The procurement action is undergoing protest process at the Service Area Office (SAO) Central VA Contracting Office. This contract is intended to ensure supply to the facility while a long-term, regional procurement is being protested. Changing pack manufacturers, components, or distributors initially takes approximately 120 days to allow the new contractor lead time to stock all required components. Manus Medical LLC is the only known vendor which has the specialized products readily available at this time that meets VAMC Richmond requirement for very specific precision surgical procedures.

Additionally, this award is authorized to be a sole source to a SDVOSB is based on 38 U.S.C. 8127 and VA PPM 2016-05 - Implementation of the Veterans First Contracting Program as a Result of the U.S. Supreme Court Decision.

Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: In order to maintain patient services at VAMC Richmond, competition among more than one source is deemed impracticable at this time due to the assembly lead-in time requirement noted in paragraph five. This justification relates solely to the need of ensuring a contractual vehicle is in place pending the execution of a long-term solution.

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

Pricing for the custom packs is considered fair and reasonable based on published pricing of individual components and on historical procurements.

7. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: There are 128 Service Disable Veteran Own Small Business (SDVOSB) and 31 Veteran Own Small Business (VOSB) verified vendors listed in VIP system under NAICS 339113 as of Oct 02, 2017. Market research revealed that custom surgical procedure bundles requires 120 days for a contract transition period for new supplier, given the volume used by the Richmond VAMC and other VA facilities. Currently, the only company capable of meeting the delivery requirement is Manus Medical. Manus Medical is a certified SDVOSB. This is an Emergency Procurement action.

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

In accordance with FAR 33.104 Protest to GAO, when the agency receives notice of protest from the GAO, the Contracting Officer shall immediately suspend performance or terminate the awarded contracts, as provided in 33.104 (c)(2) (3). The original order for this effort was competitively awarded. Due to submission of the Protest, the services were suspended pending GAO decision. In accordance with FAR 8.405-6 (b)(1), a need exists and following the ordering procedures would result in unacceptable delays in fulfilling Richmond VA Medical Center.

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

N/A

10. 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:

The SAO Central VA Contracting Office is in the process of resolving a protest of a competitive solicitation for a long-term regional contract for the supply custom surgical procedure bundles.

VHAPM Part 819.7007/7008 Sole Source Awards to a Verified Service-Disabled Veteran-owned Small Business/Veteran-owned Small Business

11. 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.

Thomas L.
Daniels 311023

Digitally signed by Thomas L. Daniels 311023
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Thomas Daniels
Inventory Mangment Specialist
RICVAMC

12. 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.

Shamike L.
Bethea 644428

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Shamike Bethea
Contracting Specialist
VINS6

10/02/2017

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.



Greg Evans
NCO/PCO Branch Chief
VINS6

10/02/2017

Date