

LIMITED SOURCES JUSTIFICATION

ORDER >\$150,000

FAR PART 8.405-6

Acquisition Plan Action ID: VA257-18-AP-1684

- 1. Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 17 for The Dallas VA Medical Center Surgical Service (Urology Section) - 549-18-1-014-0090 – Cystoscopes.
- 2. Description of Action:** This acquisition is conducted under the authority of the Multiple-Award Schedule Program (41 U.S.C. 251 and 40 U.S.C. 501). Cystoscopes for Dallas VA Medical Center, Urology Clinic. Action will be awarded as New Requirement –

Order against: FSS Contract Number: V797P-4335B

Name of Proposed Contractor: CONGENTIX MEDICAL, INC.

Street Address: 5420 FELTL ROAD

City, State, Zip: MINNETONKA, MN ,55343

Phone: 866-258-2182

- 3. Description of Supplies or Services:** The estimated value of the proposed action is \$244,425.60. Network Contracting Office 17 intends on awarding, on a sole source basis, a firm-fixed priced contract for CST 5000 Flexible CYSTOSCOPES in North Texas with Cogentix Medical. The request for these scopes stems from a shortage in existing instrument inventory and availability. These scopes were identified as meeting the specific needs of the service and department standardization initiatives. The requests for these scopes were identified as being required for advanced and complex Urology procedures.

(4) IDENTIFY THE AUTHORITY AND SUPPORTING RATIONALE (see 8.405-6(a)(1)(i)(A), (B), and (C) or 8.405-6(b)), AND IF APPLICABLE, A DEMONSTRATION OF THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS TO PROVIDE THE REQUIRED SUPPLY OR SERVICE. (CHECK ALL THAT APPLY AND COMPLETE)

An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays.

- Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized;

Cogentix Medical is the only firm capable of providing the required cystoscopes without the Veteran's Health Administration experiencing unacceptable delays in fulfilling requirements. NTVHCS has selected Cogentix Medical, in part, because of standardization initiatives, and it was determined by the Urology Surgery staff that the requested scopes work meet their needs. The fit, function, standardization, and ease of use all contributed to the decision. As detailed below, Cogentix Medical meets or exceeds all VA National criteria for this program:

- A bona fide need to procure supplies from Cogentix Medical for the Urology scopes.
- The scopes are required for surgical procedures. This item is used daily and to expedite the continued use would keep the hospital patient flow running at normal frequency.
- The vendor can provide the required scopes in a timely manner.
- The fit, function, standardization and ease of use all contributed to the decision.
- To alter vendor and/or manufacture would disrupt if not negate patient care.

- In the interest of economy and efficiency, the new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order must not have been previously issued under sole source or limited source procedures.

- Items peculiar to one manufacturer:

- A patent, copyright or proprietary data limits competition. The proprietary data is:
(If FAR 8.405-6(a)(2)iii before posting. Do not include specific proprietary data. Only mention the type of equipment, procedure, etc. to show that proprietary supplies or services are being procured.)

- These are "direct replacements" parts/components for existing equipment.

- The material/service must be compatible in all aspects (form, fit and function) with existing systems presently installed/performing. Describe the equipment/function you have now and how the new item/service must coordinate, connect, or interface with the existing system.

(5) DESCRIBE WHY YOU BELIEVE THE ORDER REPRESENTS THE BEST VALUE CONSISTENT WITH FAR 8.404(d) TO AID THE CONTRACTING OFFICER IN MAKING THIS BEST VALUE DETERMINATION:

VA has a National Directive and set a goal as an agency to standardize scopes, equipment, and processes. The estimated cost of \$244,425 is therefore determined to be fair and reasonable.

The service already owns three sets of these scopes and this purchase will allow them to standardize all Urology scopes sets.

(6) DESCRIBE THE MARKET RESEARCH CONDUCTED AMONG SCHEDULE HOLDERS AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

Market research was conducted and concluded that this requirement is for a commercial item meeting the definition of FAR 2.1. Research conducted utilizing GSA search tools produced no additional results. Based off a review of potential GSA contract holders, there were none that could provide the Urology scopes that would assist the surgery department with coming into compliance with standardization initiatives. Based on all the research information provided above, the Contracting Officer has determined that there is no reasonable expectation of obtaining two or more responsible offers from other small businesses. This requirement will be set aside for Cogentix Medical. Market research also confirmed that there is only one qualified company capable of providing these specialized scopes for Veterans in need of surgical procedures.

(7) ANY OTHER FACTS SUPPORTING THE JUSTIFICATION:

A notice of intent to sole source was publicized to Federal Business Opportunities under 36C25718Q0277 on December 19, 2017. No other parties expressed, in writing, their interest in this acquisition.

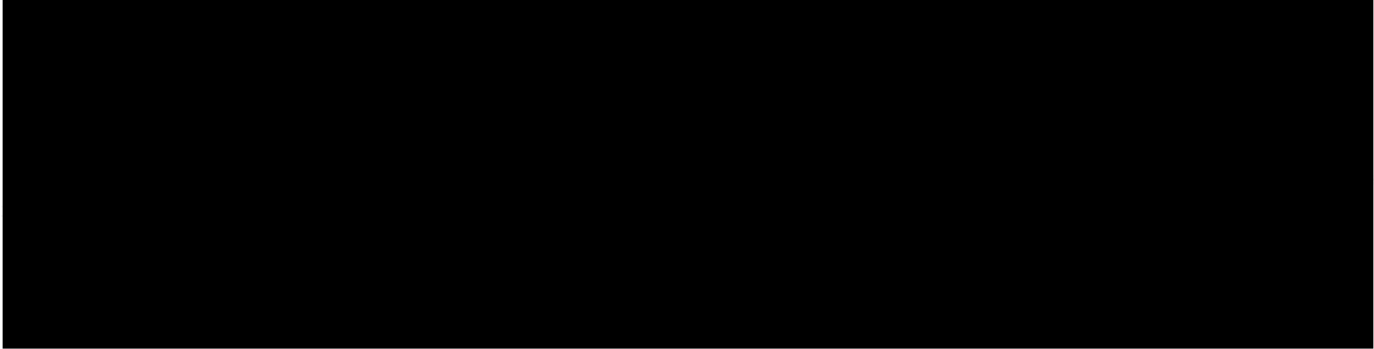
(8) A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS THAT LED TO THE RESTRICTED CONSIDERATION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES IS MADE: N/A

(9) 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. I understand that processing of this limited sources justification restricts consideration of Federal Supply Schedule contractors to fewer than the number required by FAR Subpart 8.4. *(This signature is the requestor's supervisor, fund control point official, chief of service or someone with responsibility and accountability.)*



(10) APPROVALS IN ACCORDANCE WITH THE VHAPM Part 806.3 OFOC SOP: *This part is filled out by Contracting Staff as part of the Justification*

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief



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.

