

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition**

Acquisition Plan Action ID: VA246-18-AP-5253

1. **Contracting Activity:** Department of Veterans Affairs, VISN 06, Hampton VA Medical Center, 100 Emancipation Drive, Hampton VA 23667 (PR# 652-18-2-165-0069)

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

This is a justification for other than full and open competition being executed IAW the authority of VAAR 819-7007 Sole Source Awards to a Verified Service-Disabled Veteran Owned Small Business. This action will provide a contract to the Richmond VAMC for delivery of OB-GYN Hysteroscope equipment and supplies. The Richmond VAMC has a scheduled patient procedure on Monday, February 12, 2018, requiring the required supplies to be expedited and in place by Friday, 9 February 2018.

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

The Richmond VAMC is in need of a Hysteroscopes package/system for their OB-GYN department. The Hysteroscope system will allow the Richmond VA healthcare providers to inspect the uterine cavity via the cervix as well as perform a variety of surgical interventions. The system will aid gynecologists in performing a wide range of diagnostic and therapeutic procedures. The total estimated value is approximately; [REDACTED]

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:

- (X) 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):**

This requirement is for a special/emergent purchase. Market research has revealed that Defense Energy Syndicate is a CVE verified Service Disabled Veteran Owned Small Business (SDVOSB) capable of supplying all of the items/supplies for this requirement without delay.

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

Due to the urgent nature of this procurement, market research was limited to the suggested customer vendor, a certified SDVOSB. Follow-up market research has indicated that there are several authorized resellers of this particular Hysteroscopes system. In the future, when not operating under such a narrow/short window of procurement, the contracting office will pursue a competitive set-aside.

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

The Contracting Officer anticipates that Fair and Reasonable pricing shall be received prior to award.

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

The urgent nature of this procurement dictated that market research be limited to the customer's suggested vendor, Defense Energy Syndicate (DES). The contracting agency reached out to the vendor to ensure that the items could be procured/delivered within the given timeframe. A query into the VIP Database was executed to validate that DES was currently listed as a verified SDVOSB.

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

The Hysteroscopes system was an urgent need for the Richmond VAMC. Under the given circumstances, a sole source award to a SDVOSB capable of providing the items represented the best value to the government while reducing patient safety risks. In the future, the contracting agency believes that this type of acquisition can be competed.

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

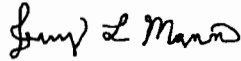
Defense Energy Syndicate, LLC
2428 Tiemann Ave.
Bronx, NY 10469
DUNS: 080175900
NAICS: 339112
Size Standard: 1000 employees

Richard Wolf
353 Corporate Woods Parkway
Vernon Hills, IL 60061-3110
DUNS: 057842122
NAICS: 339112
Size Standard: 1000 employees

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:**

The items required for this acquisition are brand name items but there are multiple resellers in the marketplace. When given a standard requirement and procurement timeline, the contracting agency doesn't foresee any barriers to competition in the future.

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.



JERRY L. MANN
Contract Specialist
Network Contracting Office 6

9 Feb 18
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.



KEITH W. HUNTER
Contracting Officer
Network Contracting Office 6

9 Feb 2018
Date