

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Activity:** : Department of Veterans Affairs, VISN 8, James A Haley VA Medical Center (JAHVAH)
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the procurement of Johnson & Johnson Harmonic scissors. Transaction #: 673-12-3-095-2503 Total: \$6830.76
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This request for the procurement of the Johnson & Johnson Harmonic Focus scissors. These devices are exclusive in their design and characteristics as well as being instrument specific. Because of the devices' construction and inherent physical characteristics, competing products may not replace them without the possibility of causing additional complications during surgery.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (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
 - (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;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Johnson & Johnson scissors are the standard in our surgical area and our surgeons have been trained in their usage. The fact that a surgery is scheduled on June 8, 2012, precludes the normal procedure for competition on these devices.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** There are no other vendors who offer the harmonic scissors manufactured by Johnson & Johnson. The only company able to meet the needs of the operating room for this expendable item is Johnson & Johnson.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Price is determined to be fair and reasonable by reviewing pricing from past procurements and through market research of what other government agencies pay for the same items.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** No other manufacturer provides the same harmonic scissors for this brand. No additional research was conducted because this item is required because of the current equipment in the O.R., no other devices will work with this equipment currently used at the James A. Haley Veteran's Hospital. Items are required for a surgical procedure scheduled for June 8, 2012 and would directly affect the health of a patient if the procurement is delayed.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** It is likely that award to any other source would result in unacceptable delays associated with soliciting prospective vendors and evaluating offers to ultimately meet Government requirements.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None. See Section VI above.

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 Government shall post a notice on Federal Business Opportunities that permits prospective vendors to submit their respective technical capabilities solely for consideration in future acquisitions for similar supplies and services.

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.

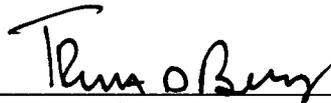


Name EDUARDO HERNANDEZ
Title OR Nurse manager
Facility JAHVA

June 7, 2012
Date

12. Approvals in accordance with FAR 6.304

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



Name TRINA BERRY
Contracting Officer
Facility James Haley

7 June 2012
Date

b. **Product Line Supervisor (PLS):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name
Contracting Supervisor
Facility

Date