

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)**

Acquisition Plan Action ID: VA250-18-AP-5812

1. **Contracting Activity:** Department of Veterans Affairs,
VISN 10,
Network Contracting Office 10
Louis Stokes Cleveland VA Medical Center

2237: 541-18-2-703-1730

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

FAR13.5 Simplified Procedures for Certain Commercial Items:

This procurement is for hips, knees, shoulders, and elbows instruments and implants in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and 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:**

VAMC Cleveland is requesting the procurement of multiple back-up Stryker/Howmedic hips, knees, shoulders, and elbows instruments and implants. This is needed for Ortho, and Podiatry surgery requiring small cannulated screws for implantation due to complex fractures.

4. **Statutory Authority Permitting Other than Full and Open Competition:**

FAR13.5 Simplified Procedures for Certain Commercial Items:

The authority for applying the Simplified Procedures for Commercial Items of FAR 13.5 is 41 U.S.C. 1901 and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).

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

VAMC Cleveland is seeking a NAME BRAND Procurement, to meet form, fit, and function requirements and compatibility as this is a request for additional hips, knees, shoulders, and elbows instruments and implants due to increase in ORTHO/PODIATRY case load.

Stryker/Howmedic holds proprietary rights to the requested hips, knees, shoulders, and elbows instruments and implants that will be acquired through VA119-17-D-0013 a single award IDIQ, to be used with the existing hips, knees, shoulders, and elbows instrument and implant systems in place at the Louis Stokes Cleveland VA Medical Center.

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

The Manufacturer was contacted and verified the required compatibility and that there are no

distributor or reseller authorizations.

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

Pricing is determined to be fair and reasonable based on previous similar acquisitions within the Department of Veterans Affairs, as well as market research pricing and the IGE.

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

The using service conducted market research by querying the hospital's technical experts, the doctor using the requested equipment, and searching the internet. Contracting used the internet to search the VetBiz database, NAC search tool, the GSA search tool, FPDS-NG, FBO, and finally utilized Google. After no other sources could be found the manufacturer was contacted and verified the required compatibility and that there are no distributor or reseller authorizations.

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

Howmedica Osteonics Corp.

Doing Business As: Stryker Orthopaedics

DUNS: 058311945 CAGE Code: 9H084

325 Corporate Dr

Mahwah, NJ, 07430-2006

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 requested equipment is currently one of a kind. The using service and contracting will continue to conduct market research to determine if new equipment becomes available to meet the needs of the government.

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.

Shawn Huelsman
Assistant Chief, Sterile Processing Service
Louis Stokes Cleveland VAMC

3-27-2018

Date

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.

Christopher A. Callihan
Contracting Officer
Network Contracting Office (NCO) 10

VHAPM Part 806.3 Other Than Full and Open Competition (OFOC) SOP
Attachment 2: Request for Sole Source Justification Format >\$150K

- 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.

Connie A. McKay
Branch Chief –Supply Team #2
Network Contracting Office (NCO) 10