

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: VA260-18-AP-3048

- Contracting Activity:** Department of Veterans Affairs, VISN 20, Boise Medical Center, 500 W. Fort Street, Boise, ID 83702
Department of Veteran Affairs, SAOW, NCO20, Spokane Contracting Office, 8524 N. Wall St., Spokane, WA 99208
- Nature and/or Description of the Action Being Processed:** Blanket Purchase Agreement of Olympus Items to go with the current Thunderbeat System with ordering officer delegation. Base year and four one-year option periods.
- Description of Supplies/Services Required to Meet the Agency's Needs:** The items which will be purchased are single use, Brand Name items for the Olympus Thunderbeat ESG-400 Electro-Surgical Generator, as follows:

Item #	Part No.	Qty	Description
1	WA22507D	2bx	31319 HF ELECTRODE LOOP 24FR .2W 30, 12 per BX
2	WA22557C	2bx	31254 ELECTRODE,ENDO,UROLOGY,BUTTON,PLASMA VAPORIZATION,HIGH FREQUENCY,FOR USE WITH SURGMASTER ELECTRO-SURGICAL UNIT,FOR TRANSURETHRAL RESECTION IN SALINE,12 + 30 DEGREE , 12 per BX
3	WA22523C	7bx	34168 ELECTRODE,ENDO,BAND,HF-RESECTION,24 FRENCH,30 DEGREE ANGLE, MEDIUM, 10 per BX
4	TB-0535FC	12bx	31253 DEVICE,ELECTROSURGERY,THUNDERBEAT,HANDPIECE,5 MM X 35 CM,FRONT GRIP, 5 per BX
5	TB-0009OF	5bx	34169 THUNDERBEAT,OPEN FINE JAW,9CM LENGTH,SCISSORS GRIP, 5 per BX
6	TD-TB400	3bx	34170 THUNDERBEAT,TRANSDUCER,TD-TB400, 1 per EA
7	TB-0920OE	3bx	34172 DEVICE,ELECTROSURGERY,THUNDERBEAT,HANDPIECE,OPEN EXTENDED JAW,MULTIFUNCTIONAL,INLINE GRIP, 5 per BX
8	TB-0520FC	3ea	34171 HUNDEBEAT,FRONT-ACTUATED GRIP,5MM,20CM, 1 per EA
9	WA22355C	1cs	34742 ELECTRODE,ENDO,UROLOGY,NEEDLE,RESECTION,45 DEGREE ANGLE,FOR OYLMPUS TURIS 2.0,STERILE, 12 per CS

The estimated value of this procurement is \$639,080.00 (base year \$127,816.00)

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

FAR 6.302-5, 41 USC 3304(a)(5) as authorized by 38USC 8127(c). No other items have been validated with the Olympus Thunderbeat ESG-400 Electro-Surgical Generator and the use of Third Party

Electrodes with Olympus resectoscopes and/or electrosurgical systems will void any and all warranties associated with the applicable Olympus equipment.

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The Boise VAMC Surgical Service has an Olympus Thunderbeat system that requires single use handpieces for use during surgical cases.

The Olympus Thunderbeat is a proprietary surgical tissue management system includes the ESG-400 generator, the USG-400 generator, a communication cable, and monopolar single and dual footswitches. Thunderbeat is the only surgical tissue management system that delivers every common form of energy used in surgery today (monopolar, bipolar, ultrasonic, and advanced bipolar), as well as the revolutionary combination of advanced bipolar and ultrasonic energies.

The proprietary Thunderbeat handpieces are multifunctional instruments designed to improve procedural efficiency via the Thunderbeat platform with access to virtually every known form of surgical energy, including monopolar, bipolar, advanced bipolar, and ultrasonic. Thunderbeat handpieces are available in three handle designs and four lengths to meet clinical needs and surgeon preference.

Olympus Surgical Division – Urology has provided The Boise VAMC a letter stating that Third Party Handpieces have not been validated with the system and the use of Third Party Electrodes with Olympus resectoscopes and/or electrosurgical systems will void any and all warranties associated with the applicable Olympus equipment.

Upon Receipt of this letter the Boise VAMC will only consider Original Equipment Manufacturer (OEM) Handpieces to insure the integrity of the Equipment Warranty and Safety of Patients that will be treated with this system.

Third Party Electrodes will not be considered without written documentation that Olympus has Validated the Electrode and that it Olympus has approved it for use with the Thunderbeat System.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A sources sought notice was sent to all 275 VIP verified SD/VOSB's listed on 3/2/18. 18 were returned as undeliverable. 8 compaies replied they could not supply the items requested. One company, Alliant Healthcare, responded they could provide the required items. Alliant is the exclusive partner with Olympus.

This J&A will be posted with the solicitation via the GPE.

7. **Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost and final contract price will be considered fair and reasonable through competitive quotes, or evaluating the quoted cost to Olympus' established FSS schedule.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Upon Receipt of the Olympus Surgical Division – Urology Third Party letter, the Boise VAMC will only consider Original Equipment Manufacturer (OEM) Handpieces to insure the integrity of the Equipment Warranty and Safety of Patients that will be treated with this system.

Third Party Electrodes will not be considered without written documentation that Olympus Surgical Division has Validated the Electrode and that Olympus Surgical Division has approved it for use with the Olympus Thunderbeat ESG-400 Electro-Surgical Generator System.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Alliant Enterprises, Olympus' exclusive SDVOSB partner.

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:** No actions are planned as this will be awarded to the SDVOSB partners/authorized distributors of Olympus. However, the marketplace will also be surveyed prior to any subsequent awards to determine if barriers exist to competition. The station will also review to determine if Olympus products are still required to meet the need, or if equal product will be accepted.

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.

Thomas R. Ladue
184008

Digitally signed by Thomas R.
Ladue 184008
Date: 2018.05.25 11:17:08 -06'00'

Thomas LaDue
Assistant Chief, Supply Chain Officer
Boise VAMC

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.

KAREN R. RHODES 333239

Digitally signed by KAREN R. RHODES 333239
Date: 2018.05.25 10:21:18 -07'00'

Karen Rhodes
Contracting Officer
Network Contracting Office 20

Date

- b. **One Level Above the Contracting Officer (Required over SAT but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Jonathan Jewel
Branch Chief, Supply
Network Contracting Office 20

Date