

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

**1. Contracting Activity:**

Department of Veterans Affairs, VISN 16  
Overton Brooks Medical Center  
510 East Stoner Avenue (90C)  
Shreveport, LA 71101

**2237 Transaction #: 667-12-3-132-0144**

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

a. This acquisition is to obtain, by the use of Other than Full and Open Competition; equipment items (1) ERBE VIO 300D electrosurgical units with accessories and (2) ERBE APC2 Argon Plasma Coagulators with accessories. The (1) ERBE VIO 300D electrosurgical units with accessories (2) ERBE APC2 Argon Plasma Coagulators with accessories will be used in Medical Services. This equipment would not only be used for electrocautery but Argon as well, hence we will only need this one machine as opposed to having two in our already space challenged area. All the staff has been in-serviced on the ERBE and is comfortable using it. To switch to another brand/type would cause a delay in patient care because more in-service would be needed. This machine provides a precise cut and is programmed to all the procedures that we perform. This piece of equipment functions matches the current equipment used to perform GI procedures. ERBE is the sole provider of this equipment.

b. **Estimated Value:** \$43,568.95

c. **Required Delivery Date:** 30 days ARO

**3. Description of Supplies/Services Required to Meet the Agency's Needs:** The new electrosurgical apparatus (ERBE VIO 300D electrosurgical units with accessories and the ERBE APC2 Argon Plasma Coagulators with accessories) will serve as a replacement for the broken/discontinued Model: Force 2 equipment purchased June 1, 1988. This piece of equipment is needed for every GI procedure performed in the GI Lab. This equipment provides the type of cut and coagulation that is needed when performing the specialized procedures. Our patients deserve continuity of care. To have an ERBE in one room and something else in another doesn't provide the type of care that should be allotted to our veterans.

**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):**

The ERBE VIO 300D electrosurgical units with accessories and the ERBE APC2 Argon Plasma Coagulators with accessories is solely manufactured and distributed by ERBE USA, Inc. This replacement equipment will be used to perform all GI procedures performed in the GI Lab. This award is necessary to meet the standards for care currently being provided to our veteran patients and continue to meet agency requirements.

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

Market research was conducted on the VetBiz Registry, GSA Advantage and the Dynamic Small Business. Neither site revealed any service disabled veteran owned companies, small veteran owned business, or small businesses that could provide the required supplies for the ERBE VIO 300D electrosurgical units with accessories and/or the ERBE APC2 Argon Plasma Coagulators with accessories equipment.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be fair and Reasonable:**

The Contracting Officer has determined that the anticipated cost to the government will be fair and reasonable based on a complete analysis of all costs or a price analysis will be fully utilized prior to award of the contract.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Based on market research as shown in paragraphs 6 above, requirement for ERBE VIO 300D electrosurgical units with accessories and the ERBE APC2 Argon Plasma Coagulators with accessories equipment to be solicited as sole source to ERBE USA, Inc.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:** Market Research revealed ERBE USA as the sole provider for the equipment required by the requesting service.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** ERBE USA, Inc., 2225 Northwest Parkway, Marietta, GA 30067

**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:** Make every effort to obtain competition.

**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.

R. G. Washburn  
Name: Ronald Washburn, M.D.  
Title: Acting Chief, Medical Service

\_\_\_\_\_  
Date

**13. Approvals in accordance with FAR 6.304**

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

Susie Hickman-Cooper  
SUSIE HICKMAN-COOPER  
Contract Specialist (Trainee)

7/19/2012  
Date

Randy Pernel  
RANDY PERNELL  
CHIEF, PURCHASING AND CONTRACTING  
Overton Brooks VA Medical Center, VISN 16  
Shreveport, LA 71101

7/19/12  
Date