

# DEPARTMENT OF VETERANS AFFAIRS

## Justification and Approval

### For

### Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 12, 115 South 84<sup>th</sup> Street, Suite 101, Milwaukee, WI 53214-1476. Justification for other than full and open competition, 2237 No. 607-12-1-6058-0002.
2. **Nature and/or Description of the Action Being Processed:** Justification and approval for the other than full and open competition for the purchase of one Zeiss Lumera 700 surgical microscope and accessories. This procurement will proceed on a brand-name only, firm-fixed price basis.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Madison VA Hospital has a brand-name only requirement for the following equipment:

Item	Quantity
Zeiss Lumera 700 FL w/ Main Assist	1
Zeiss Electrical Invertertube	2
Zeiss Lumera 700 Co-Ob Inclined Tube	1
Resight 700 Package	1
Zeiss Integrated Keratoscope Opmi Lumera 700	1
Ehternet Interface for Opmi Lumera 700	2
Zeiss Integrated HD Camera	1
NDS 42" Radiance HD Monitor	2
Zeiss Video Connecting Cable Y/C Out	2
Zeiss Asepsis Caps Hangrip Lumera T (x6)	5
Asepsis Set 22MM (6-pack)	8

Total estimated price is \$208,498.68.

Estimated delivery is fourth quarter (July-Sep) of 2012.

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

- ( X ) (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 William S. Middleton VA Hospital requires an ophthalmologic operating microscope which has all of the following characteristics/specifications:

1. An integrated keratoscope.

Integrated means the keratoscope and wiring is contained within the microscope body. There are a number of hand-held and surgical keratoscopes on the market. Devices that are not within the structural body of the microscope have a number of disadvantages. The facility's current microscope, which will be replaced by this procurement, is moved between Operating Room suites resulting in damage to external devices mounted on the microscope. Also, cables that attach to external recording devices are tripping hazards to Operating Room personnel.

2. The keratoscope does not need to be removed for the addition of the BIOM used in posterior segment surgery.

3. The operating microscope must have an integrated camera.

Integrated means the camera is contained within the microscope body. A camera body on the external surface of the microscope tube is undesirable because externally mounted cameras are prone to physical manipulation. Additionally, cameras mounted on a beam splitter often need to be moved side-to-side depending on which eye

is being operated on. Cabling issues are detailed in item 1 above. Internal cameras have a distinct advantage of never being moved, disconnected, or requiring adjusting because they reside inside the microscope body.

4. The operating microscope must have an integrated recording system.

Integrated means the recording device is physically contained within the body of the microscope. An integrated recording system alleviates the need to attach the microscope pedestal to an external recording device avoiding floor cabling which can be a safety hazard.

5. The recording device must be activated by the same foot pedal that controls the microscope.

When performing microsurgery, movement of the lower extremities can cause excessive vibrations. Having a single foot pedal minimizes the amount of lower extremity movement.

6. The operating microscope must have the ability to switch between xenon and halogen light sources without changing bulbs.

Some surgeons prefer xenon and some prefer halogen light sources. There are occasions where both halogen and xenon light sources may be desired during the same case. Having the ability to quickly and efficiently switch between these light sources is essential.

7. The operating microscope must have stereoscopic observer tube optics with a camera installed.

The William S. Middleton VA Hospital is a teaching institution. All cases are recorded, thus requiring a camera. We require stereoscopic optics in the observer tube during all parts of the case, including retro illumination.

8. An integrated USB recording function for direct video capture on USB storage medium.
9. The system automatically adjusts both inverters when the fundus viewing system is inserted. This reduces of XY speed, inverts the X-Y coupling, and deactivates the light of OPMI LUMERA 700.
10. A wireless, fully-programmable, foot control panel.
11. In the event of a malfunction or failure of a motorized function (such as zoom, slit illumination, SCI or focus), the surgical procedure needs to be safely concluded. A manual operation mode allows the microscope to function safely via special knobs until the surgical procedure can be safely ended.
12. The motorized retina protection filter (blue barrier filter) which provides added protection against phototoxicity and can be activated via foot control panel or handgrips.
13. Completely APO chromatic optics with high light transmission, resulting in maximum image quality for surgery and documentation
14. An integrated beam splitter which guarantees a constant working height even when additional accessories are attached (i.e. stereo co-observation tube) .

The Carl Zeiss Meditec OPMI Lumera 700 ophthalmic microscope is the only identified product that has all of the required features specified above. Accordingly, Metro Medical Supply is the sole firm capable of providing the requested equipment, which satisfies all of the William S. Middleton VA Hospital's requirements.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This is a brand-name only, sole source solicitation as Metro Medical is the only source for the requested items. A sources sought notice was posted to FBO seeking information on microscopes which meet the required specifications. Other vendors' products were evaluated but did not have the required features.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Based upon market research, the Contracting Officer has concluded the pricing indicated in Part 3 is "market" or "list" pricing. Per FBO, the same or similar items were purchased within the last fiscal year at comparable prices.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** The end-user has conducted considerable market research to include attending annual 2010 and 2011 American Academy of Ophthalmology meetings, on-site beta testing of an operating microscope, and accessing multiple brands of operating microscopes. Only the requested Zeiss operating microscope was found to have all of the minimum requirements.

The Contract Specialist issued a sources sought on the Federal Business Opportunities website ([www.fbo.gov](http://www.fbo.gov)) seeking sources from industry on operating microscopes which have the characteristics specified in Section 5 of this justification. No additional responsible sources were found.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The VA intends to award a sole source award to Metro Medical Supply for the purchase of an OPMI Lumera 700 Ophthalmology Floorstand Microscope. Carl Zeiss Meditec is the sole manufacturer of the Humphrey/Zeiss line of ophthalmic and surgical products. The Zeiss/Humphrey line of ophthalmic diagnostic products is sold through direct sales representatives with geographic territory alignments. Sales to the US Federal Government are through an agreement with Metro Medical Supply of St. Louis, Missouri.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Vantage Outsourcing, Nas/Corp-Telemah, Inc., Metro Medical Supply, Inc., and Leica Microsystems.
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:** None. There is only one source which meets the requirements/specifications for the desired equipment.
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.

DR. A. THURNEAS PhD MD 7/17/12  
NAME DATE

CHIEF OF OPHTHALMOLOGY VAMC - W.S. MIDDLETON VA - MADISON  
TITLE FACILITY

**13. 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.

Darryl S. Mahaffey 7/17/2012  
NAME DATE

Contracting Officer GLAC  
TITLE FACILITY

- b. **NCM/PCM:** I certify the justification meets requirements for other than full and open competition.

Christine Hamer 8/6/2012  
NAME DATE

Network/Program Contract Manager

VISN 12