

DEPARTMENT OF VETERANS AFFAIRS

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

Acquisition Plan Action ID: 36C263-18-AP-0800

1. Contracting Activity: Department of Veterans Affairs, Network 23 Contracting Office (NCO23), 4801 Veterans Drive, Saint Cloud, MN 56303-2099
2237#: 618-18-4-020-0090
Organizational Activity: Minneapolis VA Health Care System
One Veterans Drive
Minneapolis, MN 55417

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

The purpose of this requirement is to provide additional surgical power tools for the surgical department at the VA in Minneapolis, MN. These power tools will be used in total joint arthroplasty's, sports medicine, trauma and podiatry ortho surgeries. The Minneapolis VA's surgical department currently utilize Stryker surgical power tools. The surgical teams require a standardized motor system with one battery charging system. Balanced power tools with multiple, easy to change out, multiuse attachments and accessories are key to successful surgeries.

This is a BRAND NAME only Justification.

FAR13.5 Simplified Procedures for Certain Commercial Items: This procurement is for Surgical Power Tools 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:

The Minneapolis Surgical department currently utilize Stryker surgical power tools. This procurement is for additional and replacement power surgery tools and items.

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;

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):

The Minneapolis VA's surgical department currently utilize Stryker surgical power tools. This standard was meant to reduce the turn-around time for SPS, allow surgeons to complete multiple daily procedures with same tools (to reduce error rate), negate compatibility issues with in place surgical power tools and reduce the overall patient safety risks. This procurement is to continue with the standardization set forth by the station. The items requested are manufactured by Stryker Surgical and are available through SDVOSB distributors. The Stryker surgical power tools have coupling aspects that are manufacturer specific. Purchasing non-conforming surgical tool would require a coupling device to be compatible with onsite systems.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: This justification will be posted on FBO.gov, along with the solicitation in accordance with FAR 6.305.

7. Determination by the CO that the Anticipated Cost to the Government will be Fair and Reasonable: The anticipated price should be fair and reasonable based upon competition, and a comparison to the list price for these items.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: Market Research has been conducted, and the government has a reasonable expectation that quotes can be obtained from two or more Service Disabled Veteran Owned Small Businesses (SDVOSBs). This procurement will be set aside for SDVOSBs in accordance with VAAR 819.7005.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition: The government is not willing to accept Grey Market items, and in accordance with the VHA Procurement Manual the appropriate Grey Market Language will be included in the solicitation.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: None.

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: In the future, should additional Surgical Power Tools be needed, the government will conduct market research, and if additional sources are found any future procurement will be through a competitive solicitation. The anticipated useful life of these surgical power tools is 5 years.