

Attachment B: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval For Other Than Full and Open Competition

Contracting Activity: Department of Veterans Affairs, VISN 04, VA Pittsburgh Healthcare System, University Drive Division. 2237# 646-12-4-222-1202

Nature and/or Description of the Action Being Processed: Brand Name Only Sole Source and Only One Responsible Source, Sole Source Award, to Intuitive Surgical, Inc.

Description of Supplies/Services Required to Meet the Agency's Needs:

1. Intuitive Surgical Robotic Equipment for the VA Pittsburgh Healthcare Systems's existing Intuitive Surgical da Vinci Robot. Est. Delivery - 7 Days after receipt of Order.

Est. Contract Amount - \$46,650.

Statutory Authority Permitting Other than Full and Open Competition: 41 USC 253 (c) (1), as implemented by FAR 6.302-1.

- (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;

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

It is essential to the VA Pittsburgh Healthcare System that it purchase the Intuitive Surgical, Inc. Disposable Surgical Instruments for the VA's exiting Intuitive Surgical daVinci Robot, since they are needed to be used in conjunction with the daVinci Robot Machine, and no other company makes this type of surgical robotic equipment and/or makes robotic equipment that will work with Intuitive Surgical, Inc.'s daVinci Robot.

It is also essential to purchase the above referenced daVinci Robot instrumentation, from Intuitive Surgical, Inc., since they are the manufacturer and sole exclusive seller of these instruments. (See Letter from Intuitive Surgical, Inc. in the Contract File under P03).

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

N/A. There is only one available source. A Notice of Intent to Sole Source, along with this Sole Source Justification Memorandum, will be posted to Fedbizopps for 3-5 days.

Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The price quoted by Intuitive Surgical, Inc. is the same price it charges all customers, and the same price as they previously charged the VA on Purchase Order No.s: 646-A20468 (4/11/12); 646-A10409 (5/6/11); and 646-HT0073 8/5/10); and 646-A20577 (5/18/2012), and therefore considered to be fair and reasonable. (See S23 in Contract File).

Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Market research was conducted to determine if the items were Commercial Items, and since the items have been sold in the Commercial Marketplace by Intuitive Surgical, Inc., they are considered to be Commercial Items. In addition, written confirmation was received from Intuitive Surgical Inc., that they are the manufacturer and sole exclusive seller of the items being purchased, and that they do not sell these instruments off any Federal Supply Schedule Contract. A Contractor Query Search was conducted in the GSA E-Library System, using the word "Intuitive Surgical", and a Query Search was conducted in the GSA Advantage System, using the words "Intuitive Surgical", da Vinci Robot, and Single Site Procedures Kit", and there were no results. Furthermore, a Google Search was conducted using the words daVinci Robot and da Vinci Robot Instruments, and there were no other companies that came up with these key words showing.

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

Physicians are in need of obtaining these instruments to perform surgeries.

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

None

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:

NA – Sole Source

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.

(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)

Lisa Mincone

Name: Lisa Mincone


Title:

Department: Surgical Specialty Care Product Line

9-6-12
Date

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.



Name: Ronald Mazzei
Title: Contract Specialist
Facility: H.J. Heinz

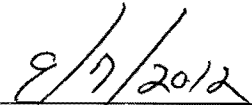

Date

VISN/PCA QA: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name Date
Title
Facility

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


Name Date
Network Contract Manager
VISN/PCA


Date