

V12-12-54 S

DEPARTMENT OF VETERANS AFFAIRS

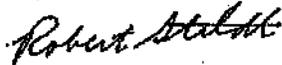
Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Great Lakes Acquisition Center, 115 South 84th St., Milwaukee, WI 53214
2. **Nature and/or Description of the Action Being Processed:** Justification and approval for other than full and open competition for the procurement of Stryker surgical power equipment at the Clement J. Zablocki VAMC, Milwaukee, WI. This procurement will proceed on a sole source basis with American Medical Depot, the sole distributor of Stryker Medical Surgery Group products to the Federal Government.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Operating Room Department at the Clement J. Zablocki VAMC, Milwaukee, WI requires new surgical power equipment for various surgical procedures. The equipment must have interchangeable battery technology and use the most recent lithium ion battery technology for improved performance. The approximate cost is \$835,892.26.
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):** Stryker is the sole manufacturer of FDA approved power surgical equipment that utilizes interchangeable lithium ion battery technology that will meet the minimum needs of the facility.
6. **Description of Efforts made to ensure that offers are solicited from as many potential sources as deemed practicable:** Sources sought notices (VA69D-12-I-0447) were issued to both GSA eBuy and to the government point of entry (GPE) Federal Business Opportunities (FBO) websites for brand name or equal products.

7. **Determination by the Contracting Officer that the Anticipated Cost to the government will be Fair and Reasonable:** Pricing is in accordance with American Medical Depot's ECAT contract SPM2DE-12-D-7602 awarded by Defense Logistics Agency, Philadelphia, PA. The ECAT contract has an expiration date of November 28, 2012.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A search of GSA Advantage website utilizing the keywords "surgical power equipment" further refined by "lithium battery" produced no matches. A search of the Vendor Information Pages (VIP) website utilizing the keywords "surgical power equipment" produced no matches. A search of SBA Dynamic Small Business Search websites utilizing the keywords "surg power equipment" and "surgical power equip" produced no matches. Therefore, sources sought notices were posted to both GSA eBUY and FBO as indicated in section 6 above.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** The interchangeable lithium ion battery technology is required for improved performance during various surgical procedures.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** ConMed/Linvatec responded to the sources sought notice from FBO and provided their proposal of "equal items". The items were evaluated by the facilities Chief Bio-Medical Engineer and determined to NOT be equal products as the items did not utilize lithium ion battery technology.
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
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.



9/17/12

Robert Steldt
Chief, Biomed Engineering
Clement J. Zablocki VA Medical Center, Milwaukee, WI

Date

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.



Danyl Mahaffy
Contracting Officer
NCO 12

Date

9/17/2012

b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

Christine Hansen

9/17/2012

Christine Hansen
Network Contract Manager
NCO12

Date

c. **SAO (If over 500K):** I certify the justification meets requirements for other than full and open competition.

Ricky Lenmon

19 Sep 12

Ricky Lenmon
Director, Acting
Service Area Office, Central

Date

d. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$10million) or approve (\$500K to 10 million) for other than full and open competition.

Norbert Doyle

9/24/12

Norbert Doyle
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

Date