

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

**1. Contracting Activity:**

Department of Veterans Affairs  
Overton Brooks VAMC  
510 E. Stoner Ave.  
Shreveport, LA 71101

Transaction number is 667-13-1-500-0010

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

The procurement method will be for other than full and open competition for Remedial and Preventive Maintenance the Sterrad Plasma Sterilizer (Model–Sterrad 100S, and two (2) Plasma Sterilizer Model – Sterrad 100NX).

**3. Description of Supplies/Services required to meet the Agency's Need:**

a. Description: Contractor shall furnish all necessary labor, parts, transportation and equipment to provide remedial and preventive maintenance on the Sterrad Plasma Sterilizer (Model–Sterrad 100S, and two (2) Plasma Sterilizer Model – Sterrad 100NX). There are two preventive maintenance inspections to be performed per year. All maintenance work will be completed between 8:00 a.m. and 5:00 p.m. (CST), Monday through Friday, excluding federal holidays. Government estimate of cost is \$25,400.00 per inspection for a total annual cost of \$50,800.00.

b. Estimated Value (including options): \$254,000.00 (Base = \$50,800.00)

4. Statutory Authority Permitting Other than Full and Open Competition: Under FAR 6.302-1(a) (1) citation 41 U.S.C. 253(c) (1) and FAR 6.302-1(b) (1), there is a reasonable basis to conclude that the agency's minimum needs can only be satisfied by "Johnson & Johnson Healthcare" (Advanced Sterilization Products), and FAR 6.302-1(b)(1)(i). "Johnson & Johnson Healthcare" is only available from this listed source based upon their unique capabilities as detailed later in this Justification & Approval. Accordingly, only one responsible source and no other item(s) will satisfy agency requirements.

( 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):

Only one Responsible Source: Market research, past performance and discussions with the manufacturer of Johnson and Johnson, a division of Ethicon, Inc., all confirm that service information and major repair parts for this sterilizer are highly proprietary, and not provided to service entities external to Johnson and Johnson Healthcare. The proprietary nature of the parts and equipment needed to perform remedial and preventive maintenance on the Sterrad Plasma Sterilizer necessitate dealing with the manufacturer, Johnson and Johnson Healthcare.

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

A pre-award synopsis will be issued using the government wide point of entry located at <http://www.fedbizopps.gov>. All responsible sources may submit a capability statement, proposal, or quotation, which shall be considered by the agency. Responses if any must show clear and convincing evidence that competition is attainable and more advantageous to the Government. Any responses received will be evaluated and if the contractor can meet all the qualifications of the Statement of Work, the requirement will be redefined as "competitive".

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be fair and Reasonable: A review of historical acquisition data in VISTA over the last two years showed the product price has been [REDACTED] per Unit Price which covered one (1) Sterrad System 100 Plasma Sterilizer. The new price per Unit Price increased because FY13 requirement covers one (1) Sterrad System 100 Plasma Sterilizer and two additional units: (2) Plasma Sterilizer Model – Sterrad 100NX; therefore, the unit price consistent with previous acquisitions for the same product is still fair and reasonable.

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

The market survey conducted found that the Johnson and Johnson, a division of Ethicon, is the incumbent manufacturer and the only authorized vendor to service this equipment. Johnson and Johnson are uniquely qualified to perform all requirements and maintain the equipment under warranty.

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

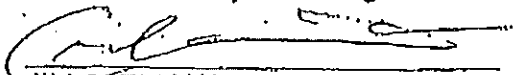
Based on requirement being proprietary to Johnson and Johnson, a division of Ethicon,

10. Listing of Sources that Expressed, In Writing, an Interest In the Acquisition:  
Johnson and Johnson, Healthcare a division of Ethicon.

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:

Overton Brooks VA Medical Center will continuously monitor commercial market conditions to determine if other products can effectively meet agency needs. However, the repair of these plasma sterilizers requires use of appropriate parts and service techniques. There's no way to overcome this requirement.

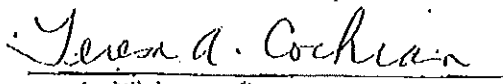
12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

  
JIM SUPICKA  
Chief, Biomedical Engineering section  
Overton Brooks VAMC.

8/8/12  
Date

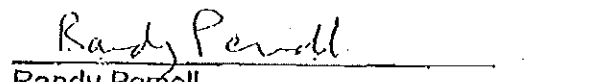
13. Approvals in accordance with FAR 6.304.

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

  
TERESA A. COCHRAN  
Contracting Officer  
Overton Brooks VAMC

17 Aug 12  
Date

b. CHIEF P&C: I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
Randy Pernell  
CHIEF, PURCHASING AND CONTRACTING  
Overton Brooks VAMC, VISN 16

8/17/12  
Date