

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

1. **Contracting Activity:** Department of Veterans Affairs, VISN 08, Malcolm Randall VA Medical Center, requires other than full and open competition to satisfy an existing requirement. This is identified via VA 2237 Request Number 573-13-1-132-0149 for the amount of \$29,309.00.
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the procurement of the Khyphoplak Express Tray 15mm additional fracture and Khyphopak Express Tray 10mm first fracture. The purpose of these products is to fix fractured spinal bones within the back.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Kyphopak express first fracture and additional fracture trays are solely used in Neuro Surgery. The purposes of these products are to fix fractured spinal bones within the back. This is a necessary product for the use and treatment/cure for the patient that meets criteria for this procedure, i.e. fractured spine. This product is used in conjunction with other Kyphon implantable items made by Medtronic.
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):** The use of these products is to prevent a disruption inpatient care. Presently cases are scheduled for the week of October 22, 2012. Supplies are also needed for emergency procedures which cannot be predicted. These are used on neuro-spinal procedures within the operating room. Non-availability of these products will delay veterans surgeries.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** An email was sent to 3 authorized Medtronic distributors which are SDVOSB on 10/16/2012 requesting pricing including expedited shipping costs. As of 10/18/2012 only one response has been received from Veterans Healthcare Supply Solutions, Inc. Due to the urgency of this requirement, an award must be made to this contractor so that items can be received for procedures scheduled the following week.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated price to the Government is \$ 29,359.00. Pricing has been determined fair and reasonable based on prior contract completed 8/31/2012 for exact items by West Palm Beach VA Medical center for VA248-12-P-5168 which were purchased directly from Medtronic Inc and not the distributor.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A broad internet search was conducted and based on findings; this item is manufactured solely by Medtronic Sofamor Danek USA Inc and only authorized distributors are able to provide these items to purchasers due to proprietary nature of supplies. The authorized distributor listing was emailed on 10/16/2012.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Formal advertising methods were not used due to urgency of need.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Veterans Healthcare Supply Solutions, Inc.
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:** The end user is encouraged to plan ahead for future requirements and create standing orders, BPAs and requirements contracts to fill un-predictable emergency medical supply needs.
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.

Maria J. Matos
Name Maria Matos
Title Item Manager
Facility Gainesville

10/18/12
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.

[Signature]
Name
Contracting Officer
Facility

10/18/12
Date

- b. **Product Line Supervisor (PLS):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

[Signature]
Name
Contracting Supervisor
Facility

10/20/12
Date