

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval Under

Simplified Acquisition Procedures (SAP) Simplified Acquisition Threshold (\$3K to \$150K) For Restricting Competition under FAR 13.106-1(b)(1) "Single Source"

- Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 20, for the Seattle VA Medical Center (PSVAMC), 5115 NE 82nd Ave, Suite 203, Vancouver, WA 98662. The Contract Officer for this procurement will be Mona L Nimmo.
- Nature of the Action Being Processed:** This request is for a new single source procurement for firm fixed price contract for surgical supplies needed for the DaVinci Surgical Robot.
- Description of Supplies or Services Required to Meet the Agency's Needs:** This procurement under PR # 663-13-1-044-1156 is for the Seattle VA Medical Center's surgical department. The supplies on this request are for disposable instrumentation and products to be used with the DaVinci Robotic Surgery system in the operating room. The instruments are good for up to 20 uses before needing to be replaced. There are 15 line items for a total of 43 pieces of product. The following is projected to be enough product for a FY13 for robotic surgeries:

Item No	Description	Qty	Price/EA	Ext. Price
420262	5mm flared Cannula	6	\$980.00	\$5,880.00
420002	8mm Instrument Cannula	3	\$560.00	\$1,680.00
420260	8.5mm Endoscope Cannula	2	\$1,300.00	\$2,600.00
371679	8.5mm Endoscope Alignment Target	2	\$500.00	\$1,000.00
371938	3D 8.5mm Endoscope, 0 degree	2	\$18,800.00	\$37,600.00
371939	3D 8.5mm Endoscope, 30 degree	2	\$18,800.00	\$37,600.00
420225	Laser energy 5 Fr. Introducer	2	\$4,600.00	\$9,200.00
400180	Tip Cover Accessory (Monopolar Curved Scissors)	6	\$200.00	\$1,200.00
420205	Fenestrated Bipolar Forceps	2	\$2,700.00	\$5,400.00
420179	Hot ShearsT (Monopolar Curved Scissors)	3	\$3,200.00	\$9,600.00
420172	Maryland Bipolar Forceps	3	\$2,700.00	\$8,100.00
420093	ProGraspT Forceps	3	\$2,200.00	\$6,600.00
420290	Disposable Accessory Kit, 3 Arm	2	\$1,000.00	\$2,000.00
420291	Disposable Accessory Kit, 4 Arm	4	\$1,300.00	\$5,200.00
420206	8.5mm Cannula Seals (8.5-13mm seal)	1	\$400.00	\$400.00

Total Estimated price for this procurement

\$134,060.00

4. **Statutory Authority Permitting Restriction in Competition:** The statutory authority for restricting competition under SAP, or Single Sourcing, for acquisitions under \$150,000 or Simplified Acquisition Threshold (SAT) is **41 U.S.C. 253(c), as implemented by FAR 13.106-1(b)(1)**. The specific reason for restricting competition is exclusive licensing agreements. This justification is where in accordance with FAR 6.001(a), acquisitions conducted under FAR 13 for SAP are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2, IAW the VHA SOP for Other Than Full And Open Competition dated 3-22-2011.
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** Intuitive Surgical Inc is, at this time, the only company that can provide the instruments and disposable products for the DaVinci Robotic surgical machine. Intuitive does have contract #VA260-P-0837, expiration date June 24, 2016, with the Seattle VA for the DaVinci Robotic System. The items on this request are specifically for the DaVinci Robotic System and no other instrument can be substituted for use with this machine.
6. **Description of Efforts Made to Ensure that Offers are Solicited from As Many Potential Sources as Deemed Practicable IAW FAR 13.104:** Due to the proprietary rights and the existing contract with Intuitive Surgical for the DaVinci Robotic System the ability to solicit from other sources was limited. At this time, Intuitive Surgical is the only supplier of the materials needed to work with the robotic surgical system.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable – IAW FAR 13.106-3:** The price is determined to be fair and reasonable based on price list in contract # VA260-P-0837 and previous purchases below:
- 663-A30035, micro \$2,250.00 for one needle driver dated Nov 28, 2012
663-A30003, micro \$2,230.00 for one Prograsp Instrument dated 10/11/2012
663-A20541, \$9,300.00 for two 5Fr Introducer 3s dated 9/28/2012
663-A20540, \$47,140.00 for several line items (same items, less qty as current request) dated 9/28/2012.
- The current request is for enough supplies to last one year which will help eliminate several repetitive, smaller orders throughout the year.
8. **Description of the Market Research Conducted and the Results, or Statement of Reasons Market Research was not Conducted (FAR 10):** A search was conducted of all the required sources: Ability One, BPA's (including VA WSNC, NCO20, and local station), NAC, VISN or Station IDIQs, and GSA Advantage. The results confirmed the requestors claim that Intuitive Surgical is the only available source at this time for DaVinci Robotic Surgical supplies and instruments. A search of SBA Class Waivers found no waiver for NAICS code 339112. Due to the non-manufacture rule, this supply procurement cannot be set-aside for small business. Therefore, it has been determined that this should be a single source procurement under simplified acquisition procedures (SAP).

9. **Any Other Facts Supporting the Restriction of Competition:** None. Intuitive Surgical is the sole proprietary manufacturer and distributor of the DaVinci Robotic Surgical System.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None. No solicitation issued, intent to sole source will be posted to FBO.
11. **Statement of 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 at this time.
12. **Requirements Certification - IAW FAR 6.303-2(c):**

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

I certify that the requirement outlined in this justification is a bonafide 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.

Name: Patricia Guy
Position: INVENTORY MANAGER

Date: 11-30-2012

13. Approvals IAW VHA SOP 3.22.11:

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



Mona L Nimmo
Contracting Officer
NCO 20 Supply Team B Acquisitions Team

12/3/12

Date

- b. **NCM/PCM/DESIGNEE:** 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 for other than full and open competition.

Stacia Nunn
NCO 20 Supply Team B Team Manager

12/03/2012

Date