

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval  
For**

**Other Than Full and Open Competition IAW FAR 6.302-5**

***Kansas City Artificial Limb – Artificial Leg & Foot***

1. **Contracting Activity:** This procurement is being made in support of (Department of Veterans Affairs, Network 15 Purchasing Agent, 4801 E. Linwood Blvd, Kansas City, Mo. 64128 by the Department of Veteran's Affairs, VISN-15 Contracting Office, 4101. 4<sup>th</sup> Street Trafficway, Leaveworth, KS 66048.
2. **Nature and/or Description of the Action Being Approved:** The purchase of a prosthetic limb component from a single source per medical determination of need. The request is for a firm fixed price contract of \$36,040.11 from Kansas City Artificial Limb; CAGE: 45E67, DUNS: 02-984-7670.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**  
  
New AK prosthesis with flexible inner liner, suction socket. Total contact acrylic socket with posterior thigh cut out: ischial containment socket alignable system. Test socket microprocessor knee-regular c leg. With compatible foot, Inner shaping cover and outer protective cover, slip whiz-pull sock #2.

**DOLLAR VALUE: \$36,040.11**

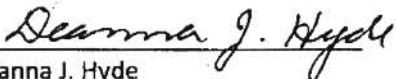
4. **Statutory Authority Permitting Other than Full and Open Competition:**

- ☐ (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; see also 38 U.S.C. 8123 and 41 U.S.C. 253(c)(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):** Prosthetic limb components are specified by the clinical team to meet the unique and comprehensive needs of each Veteran with amputation. The specific product described above has been determined by the clinical team to be the best device to treat the Veteran patient's medical condition and functional limitations. Substituting a prosthetic limb component with other than that specifically prescribed is beyond the role, competency and professional functions of the Contract Specialist and would be detrimental to the treatment of the Veteran patient. Full and open competition for the above described prosthetic limb component negates the clinician's subject matter expertise as related to the medical treatment for the individual Veteran. In this case the by-name device(s)

is/are the specific prescription and method of treatment for the Veteran-patient.

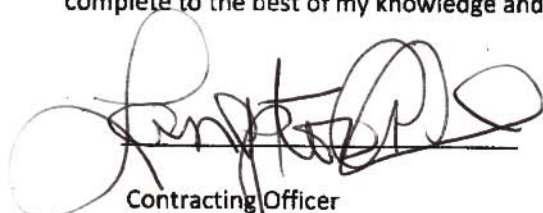
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Not applicable based on the medical determination described above.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The price for the individual components are tied to the approved medicare geographic rates by the individual Healthcare Common Procedure Coding System numbers. These rates are based on the individual pieces of equipment, and the states wherein the equipment is being sold. As such, there is a commonly established price ceiling for each of these pieces of equipment based upon both type and location. Based upon the preceding information; the proposed price for this contract of \$36,040.11 with Kansas City Artificial Limb will be fair and reasonable.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was not conducted based on the medical determination described above.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** VAAR 806.302-5(b)(1) allows an exception to full and open competition for prosthetic appliances in accordance with 38 U.S.C. § 8123. and 41 USC 253(c)(5)
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** N/A
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:** Based upon the preceding medical determination, no further actions are contemplated.
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.

  
Deanna J. Hyde  
Chief, ProstheticsTitle  
Kansas City VA Medical Ctr.

12-19-12  
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.



Contracting Officer  
NCO - 15

21 DEC 12  
Date

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

  
BERNADETTE COTHERN  
Network Contract Manager  
NCO - 15

12-21-12  
Date