

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval for
Other Than Full and Open Competition
SURGICAL IMPLANTS- PERIPHERAL STENTS AND BALLOONS

1. **Contracting Activity:** Department of Veterans Affairs, Great Lakes Acquisition Center
115 South 84th St Suite 101
Milwaukee, WI 53214
for the following facilities:
Jesse Brown VA Medical Center, 820 S Damen Avenue, Chicago, IL 60612
Edward Hines Jr. VA Hospital, 5000 S 5th Avenue, Hines, IL 60141
Clement J Zablocki VA Medical Center, 5000 W National Ave, Milwaukee, WI 53295

Justification for Other than Full and Open Competition, RFQ VA69D-13-Q-0343.

2. **Nature and/or Description of the Action Being Approved:** Justification and approval for other than full and open competition for the consignment of peripheral vascular balloons and stents for three medical centers within VISN 12. The procurement will proceed on a sole source basis with the Johnson and Johnson Company (Cordis). The consignment will be a firm fixed price contract for six months with three two month option periods.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**
The VA Medical Centers in VISN 12 have a requirement for peripheral vascular stents and balloons to be available on a consignment basis for patient treatment.
Estimated dollar value \$241,800
Period of Performance: January 15, 2013 through June 30, 2013 (approximate)
4. **Statutory Authority Permitting Other than Full and Open Competition:**
38 U.S.C. 8123 Procurement of Prosthetic appliances

(X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1.
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**
Surgically implanted products (prostheses) are specified by the clinical team to meet the unique and comprehensive needs of each Veteran with an identified medical indication. The specific products described above have been determined by the clinical team to be the best product to treat the Veteran patient's medical condition and functional limitations. Full and open competition for the above described implant 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.

manufacturers of peripheral vascular balloons and stents. This procurement is specific to Johnson & Johnson Healthcare System. The base period will be 6-months with up to three 2-month option periods by which time the new multiple award consignment agreements will be in place.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:
The contractor provided Special Government Courtesy Pricing currently being used for all VA and DOD facilities without any volume or compliance requirement. There is no optional or alternative pricing. This pricing has been determined to be fair and reasonable by the VA and DOD facilities per FAR 15.402.
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.
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:
VISN 12 is in the process of putting together a solicitations which will result in multiple award consignment agreements. The intent is to have this awarded in FY13.
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.

26 Dec 2012
Date