

Attachment B: Request for Sole Source Memo Format
DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. **Contracting Organization:** Department of Veterans Affairs, VISN I, Togus Medical Center. Transaction Number: 402-13-1-7806-0069.
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 surgical instruments currently in the operating room and on the sterile processing service (SPS) surgical inventory.

3. **Description of Supplies/Services Required Meeting the Agency's Needs:**

ITEM NO. DESCRIPTION
OR STOCK NO.

Supplies:

AR-8402S	1 SHOULDER REPAIR SET
AR-2180S	2 ARTHROSCOPIC MENISCECTOMY HAND INSTRUMENT SET
AR-1760S	3 MICROFRACTURE CHONDRO PICK SET
AR-1675S	4 BIOTENODESIS MASTER SET
AR-10000	5 PROBE, HOOK 5.4MM, TIP W/5MM MARKINGS
AR-10010	6 PROBE, HOOK 3.4MM, TIP W/5MM MARKINGS
AR11040	7 PUNCH WIDEBITER STRAIGHT TIP, 02.75 MM STRAIGHT SHAFT
AR-11041	8 PUNCH, WIDEBITER STRAGIHT TIP, 02.75 MM 15
AR-11240	9 PUNCH, WIDEBITER 15 UP TIP, 02.75MM STRAIGHT SHAFT
AR-11390	10 PUNCH, MENISCAL WIDEBITER RIGHT TIP, 02.75MM, STRAIGHT
AR-11391	11 PUNCH, MENISCAL WIDEBITER LEFT TIP, 02.75MM, STRAIGHT SHAFT
AR-11500SR	12 GRASPER, BLUNT STRAIGHT TIP, 02.75MM STRAGIHT SHAFT W/SR HANDLE
AR-11600SR	13 GRASPER, ALLIGATOR HOOK TIP, 02.75MM STRAIGHT SHAFT W/SR HANDLE

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

- (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):

Requested instruments are to replace and/or augment (make/model) instruments already in the Togus surgical inventory. It is imperative that other manufacturer's products are not purchased and added to the inventory for several safety and training reasons.

- Arthrex instrument sets already exist in the current OR/SPS inventory. In most cases requested instruments are augmenting current inventory due to increased demand on these instruments.
- Standardized instrumentation will ensure that our equipment is interchangeable. We often need to borrow instruments from other sets when we have multiple cases of the same type and for use as back up.
- Each **instrument set is unique** but works with other complimentary Arthrex instruments in the inventory. The purchase of instruments from other companies would require the additional purchase of their coordinating instrumentation amounting to many additional dollars. Arthrex provides quality instrumentation and service.
- Surgical/Nursing staff is required to be trained and proficient with the instruments in the inventory. Purchasing competing brand of instruments would jeopardize this experience and knowledge and would require additional training / certification to be completed by the staff
- Sterile Processing staff is required to be trained and proficient with the reprocessing requirements for the instruments in the inventory. Purchasing competing brand of instruments would require additional training / certification to be completed by the staff.
- Maintaining the standardization of instruments sets in the OR/SPS inventory is essential to maximizing Patient Safety. Standardization allows for singular training/competency, peak proficiency, and a significant reduction for the opportunity of errors being committed by the Surgical, Nursing and SPS staff.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: In accordance with FAR 5.203, a notice that the Government intends to solicit with only one source under the authority of FAR 6.302 will be published with the solicitation.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** In accordance with FAR 15.404-1(b)(2), price analysis will be accomplished by comparing prior proposed prices and contract prices with current proposed prices for the same or similar end items. In accordance with FAR 15.405, price negotiation will then be used to determine a fair and reasonable price.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** This item is not available on FSS, so market research in accordance with FAR Part 10.002 was conducted by querying the Government wide database of contracts and other procurement instruments available at FPDS-NG. These instruments are part of an operating system which already exists in the OR/SPS inventory. If competing instruments were purchased, Togus would also have to replace complimentary instruments and conduct significant additional training and competencies before these products could be utilized.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**
VA Directive 2009-031
When the agency head has determined in accordance with the agency's standardization program that only specified makes and models of technical equipment and parts will satisfy the agency's needs for additional units or replacement items, and only one source is available.
Facility Director. The Facility Director is responsible for:

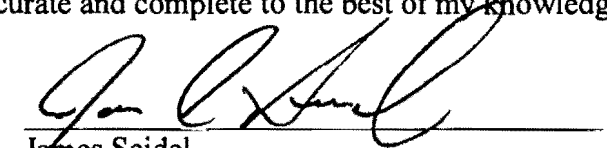
Standardization of Reusable Medical Equipment/Instruments (RME) is affected in order to facilitate consistency and efficiency in setup, use, and reprocessing, whether through facility-owned equipment or through a leasing agreement. *NOTE: Exceptions must have the written concurrence of the Chief Consultant, Medical Surgical Services (III).*
Equipment is replaced uniformly throughout the facility, when needed. This is a key component to the standardization process.

10. **Listing of Sources that expressed, in writing, an interest in the acquisition:** See Section VI above.

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**

VAPHS is unable take any actions to overcome remove barriers to compete for surgical instruments; the VA is very specific in its directives to standardize medical equipment and instruments. At this time, VAMC Togus cannot consider any other possible select companies or other manufactures to supply surgical instruments. These instruments are part of an operating system which already exists in the OR/SPS inventory.

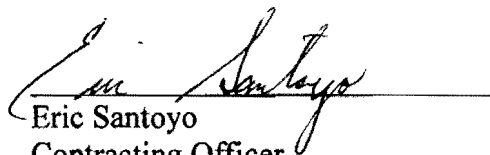
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a bonafide need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and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


James Seidel
Supervisor Inventory Management Specialist
VA Maine Healthcare System

20 FEB 2013
Date

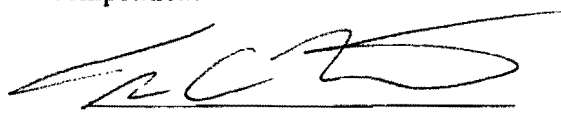
13. **Approvals in accordance with FAR 6.304:**

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


Eric Santoyo
Contracting Officer
Service Area Office East

2/21/13
Date

- b. **NCM/PCM:** I certify the justification meets requirements for other than full and open competition.


Name Trevor Martin
Supervisory CO -
Service Area Office, East

2/21/13
Date