

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval
For
Other Than Full and Open Competition

PROSTHETIC LIMB COMPONENTS

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office (NCO) 18, Big Spring, Texas
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.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** NCO 18 intends to enter into a sole source purchase order, on behalf of the New Mexico VA Health Care System (NMVAHCS), located at 1501 San Pedro SE., Albuquerque, New Mexico, for the purchase of artificial limb components in the form of a robotic ankle-foot assembly kit with iWalk, Inc., 4 Crosby Dr., Bedford, MA 01730-1402. This procurement is being processed under VA258-13-AP-1279 for the NMVAHCS Prosthetics Department where, in accordance with FAR 6.001(a), acquisition conducted under FAR Part 13 – Simplified Acquisition Procedures, are exempted from the requirements of FAR Part 6, but still require a justification using the format in FAR 6.303-2, in accordance with VHA SOP for Other Than Full and Open Competition dated 03/22/2011.

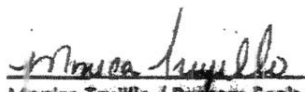
The robotic ankle-foot assembly kit will provide a power foot bionic lower leg system with power plantar flexion that stimulates the action the anatomical ankle, achilles tendon and calf muscles. The system helps reduce metabolic demands by up to 50%, reduce forces on the contralateral foot, and increase range of motion. Due to the power characteristics of this component there are significant reductions in trauma and stress to the amputee during normal ambulation.

The estimated value of the procurement is \$39,999.00

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
- (X) (5) Authorized or Required by Statute FAR 6.302-5; see also 38 U.S.C. 8123
- () (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: Pricing is determined fair and reasonable based on a 40% decrease given to the Government over industry. Industry normally pays \$69,899 for identical prosthesis.
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: Based on the medical determination above, 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.


Monica Trujillo / Barbara Seals
Prosthetic Representative
NMVAHCS

3/27/13
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.


Jessica E. Roman
Contracting Officer
VISN 18 NCO Big Spring

3/27/13
Date

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


Sabrina J. Smith
Network Contract Manager
VISN 18 NCO


Date

- c. SAO (If over \$500K): I certify the justification meets requirements for other than full and open competition.

Delia A. Adams
SAO West Director
Service Area Office, West

Date

- d. VHA HCA Review and Approval: 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 (if over \$10million) or approve (\$500K to 10 million) for other than full and open competition.

Robert S. Doyle
Chief Procurement and Logistics Officer
VHA Head of Contracting Activity (HCA)

Date

- e. VA Deputy Senior Procurement Executive Approval (over \$10 million but not exceeding \$50 million): I have reviewed the foregoing justification and find it to be complete and accurate to the best of my

knowledge and belief and approve for other than full and open competition.

C. Ford Heard III

Date

ADAS for Procurement Policy, Systems and Oversight
Office of Acquisition and Logistics
Department of Veterans Affairs

- f. VHA Senior Procurement Executive Approval (over \$50 million): I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

Jan R. Frye

Date

Deputy Assistant Secretary for Acquisition and Logistics
Senior Procurement Executive (SPE)
Department of Veterans Affairs