

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval
For
Other Than Full and Open Competition

1. Contracting Activity: Department of Veterans Affairs, VISN 15, Robert J. Dole Medical Center and Regional Office located in Wichita, Kansas

Department of Veterans Affairs, Network Contracting Office 15, 4101 S. 4th St Trwy, Leavenworth, KS 66048

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 peripheral products, PTA balloons, plaque excision, embolic protection devices and other items from the incumbent to cover the time period of June 1, 2013 through June 30, 2013. This is a firm-fixed contract modification and will be a firm-fixed price award. EV3 is the incumbent for this contract that will expire on May 31, 2013. We are requesting an extension of this contract for one month. The additional one month on this contract will cover the gap between the extension and the new contract to be awarded after June 30, 2013. The reason for the extension on this current contract (VA255-12-D-0203) with EV 3 is that there are several contracts that will expire in the next 2 months for similar supplies and with other vendors. To cover all of the similar supply requirements for VISN 15, our goal is to facilitate one solicitation for multiple award contracts. Robert J. Dole VA Medical Center will become a part of the VISN-Wide multiple award contracts, which will be effective on July 1, 2013.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

The contractor will provide for Veterans of the Robert J. Dole VA Medical Center located in Wichita, Kansas. EV3 is the vendor and the estimate price to the Government is \$48,648.75 for one-month. The supplies provided by this contract are protégé everflex stents, visi-pro stents, protégé rx carotid stents, evercross balloon stents, powercross balloon stents, nanocross balloon stents, carotid self expanding stents, PTA balloons, directional atherectomy devices, plaque excisions (turbohawks and silverhawk), vascular, catheters (crossing and infusion catheters), plaque excision (trailblazer, turbohawks and silverhawks), snares (amplatz gooseneck and micro snares), en-entry device, wires, and spider fx embolic protection devices in various styles, models, lengths and diameters for appropriate patient care. The inventory is placed at the facility on a consignment basis in accordance with the terms and conditions of the contract.

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):

There is only one responsible source and no other supplies or services will satisfy the agencies requirements per FAR 6.302-1. The extension would bridge the gap for several months to extend this contract, in assisting the Prosthetics Department in accomplish their goals and stay mission focused by being an asset to the VA Medical Centers. Prosthetics is ordering against this (IDC-CON) contract; without this ability the Prosthetics Department will create unacceptable delays in fulfilling the agencies requirements creating an adverse impact to patient care and cause a substantial

duplication of cost to the Government that is not expected to be recovered through competition(FAR 6.302(1)(ii)(A). The primary mission is professional care for our Veterans and that would interrupt the primary mission of VA Medical Centers. The incumbent is honoring prices from the last contract to bridge the gap between the extension and the new award. These prices have already been established as fair and reasonable. The incumbent is already set up to provide the necessary equipment and supplies and they are proven capable and responsible.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

The peripheral excision systems and embolic protection devices are necessary supplies and equipment that are imperative to the VISN wide patient care. Multiple awarded VISN-Wide contracts will be solicited as *full and open competition* to cover the needed equipment and supplies for VISN 15. The contract will include a base year and 4-option years. The anticipated date that the new contract will be effective is July 1, 2013. Market research will be conducted to ensure maximum visibility to all potential vendors.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The estimated cost is considered fair and reasonable; it was determined fair and reasonable a year ago when the last contract was awarded. All inventories are on a consignment basis. The use of any item is entirely dependent on patient diagnosis and needed as determined by the attending physician. The Contractor is paid only after items are implanted or used by the Government. The incumbent is honoring prices from the last contract to bridge the gap between the extension and the new award. According to the cost determined off the Consumer Price Index, the Government is potentially saving 3.85% from the same supplies and equipment procured at last year's prices.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Market research is a continuous action required by this procurement and these prices are still comparable in the market place. Upon soliciting for multiple award contracts, searches will be conducted on GSA Schedules, NAC Contract Catalog, CCR VetBiz Registry, FBO, Google and consultation with requesting physician for potential vendors.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

N/A

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

W.L. Gore, EV3, Boston Scientific, Johnson and Johnson, Abbott and Medtronic

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:

Procurement will be competitively acquired through full and open competition for the VISN-Wide contracts that anticipated being effective July 1, 2013.

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.

Name Diane L. Keene
Title Logistics Chief
Facility Wichita, Ks

4-12-13
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.

Name LORI KOPACZ Date 4/12/13
CONTRACTING OFFICER
NETWORK 15 CONTRACTING OFFICE

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

Name CHRISTINE L. SCENA Date 4-15-2013
NETWORK CONTRACT MANAGER
NETWORK 15 CONTRACTING OFFICE