

Attachment 2: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval
For
Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs
Network Contracting Office (NCO) 18
Southern Arizona VA Health Care System (SAVAHCS)

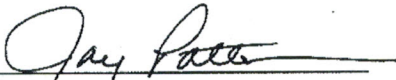
NCO 18 proposes entering into a contract using Other than Full and Open Competition for a preventative maintenance requirement with Stryker Corporation.

2. **Nature and/or Description of the Action Being Processed:** The NCO 18 Contracting Office proposes a sole source, firm-fixed price base and four option year contract with Stryker Corporation/Stryker Instruments, which is the original manufacturer, and sole firm that is capable of servicing, repairing, and supplying replacement Original Equipment Manufacturer (OEM) parts for the Stryker beds and mattresses.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This procurement is for the provision of preventative maintenance service on Stryker beds and mattresses currently in use at VISN 18 Medical Facilities. Stryker shall provide the necessary personnel, materials, equipment, and supervision to perform services in accordance with the statement of work. These units will require ongoing maintenance and support in order to ensure that they remain fully functional and can continue to be used for their intended purposes. The use of this equipment directly affects patient care and delays can both be detrimental to patient care and incur additional costs under times and materials.
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):** Stryker is the OEM, and sole firm which is capable of servicing, repairing, and supplying replacement parts for the Stryker beds and mattresses utilized by the medical facilities. Stryker has the exclusive, proprietary parts and skilled labor mix with the training which is necessary for servicing beds and mattresses. Stryker has provided a written statement (Attachment 1) confirming that they are the only source certified to perform any maintenance or repair on their equipment.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A sources sought notice was posted to FedBizOpps (FBO) for the work associated with this procurement in order to ensure that offers are solicited from any potential sources; no vendors responded

to the sources sought. However, one vendor identified themselves in FBO as being an interested vendor. This vendor was emailed and called to determine their interest and qualifications but they did not respond to any communication. The Stryker point of contact for this procurement confirmed via a phone call on 8 May 2013 that Stryker has no agreement with this interested vendor, let alone one certifying them to repair or maintain Stryker products. No further efforts to solicit potential vendors were made with Stryker's confirmation that they are the only responsible source for the required maintenance, repairs, and parts.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Stryker's anticipated total dollar amount of the proposed acquisition is [REDACTED] for a firm-fixed price contract with a base period and four option years. A search on FBO for bed and mattress maintenance awards indicated a range of costs depending on the work to be performed; however, the costs are comparable to the proposed cost of this contract's base and option years. For example, contract award FA8250-12-M-0232 for the Department of the US Air Force was awarded in the amount of [REDACTED] for one-time repair and maintenance service. The market research of contract awards made to bed and mattress repair services reinforces the assertion that the anticipated cost of this procurement is considered to be fair and reasonable in accordance with (IAW) Federal Acquisition Regulation (FAR) Part 15.404-1(b)(2)(ii). This FAR part states that in order to ensure a fair and reasonable price, a comparison "of the proposed prices to historical prices paid, whether by the Government or other than the Government, for the same or similar items...may be used for commercial items."
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted in the form of a search of other potential suppliers via the GSA eLibrary and FBO. Under category A-200 in the GSA eLibrary, there are companies listed that perform maintenance services; however, there are no other companies that service Stryker beds. As there are no other companies available which may be able to perform these services for the Stryker beds, it has been determined that the contract will be awarded sole source. No other vendor will be able to perform services. Furthermore, the following research was completed/identified:
 - FBO was searched for recent awards of similar type work and it was found that NCO 22 in Long Beach, CA is in the process of awarding a contract to Stryker for similar preventative maintenance services. Their market research revealed that Stryker is the only source for parts, maintenance, repairs, and certified technicians.
 - A sources sought notice was posted to FBO and resulted in no vendor responses.
 - No SDVOSB/VOSB's listed in VetBiz are able to provide the services.
 - No VA FSS/GSA vendor that is able to provide the services.
 - Stryker is the only entity found in an internet search that can provide the services.
 - The contractor provided Attachment 1 that self-identifies Stryker Corporation/Stryker Instruments as the only source that can provide these services.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** A delay in award will result in a delay of VA operations and/or may cause harm to a patient using a bed/mattress in need of maintenance or servicing. Additionally, see Attachment 1.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Paragraph 6.
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:** Not Applicable

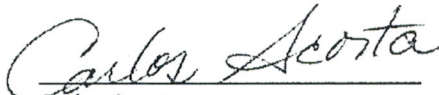
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge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


Jay Patterson
BioMedical Engineer
PVAHCS

5/9/13
Date

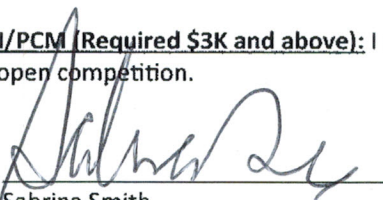
13. **Approvals in accordance with FAR 6.304**

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


Carlos Acosta
Contracting Officer
Network Contracting Office 18, SAVAHCS

5/9/2013
Date

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


Sabrina Smith
Network Contract Manager 18

5/16/13
Date

Tom Tackabury
Service Marketing

Attachment 1

3800 E. Centre Ave.
Portage, MI 49002
c: 248.860.3540
tom.tackabury@stryker.com

stryker[®]

Medical

Sole Source Service Memo

Date: 12/12/12
RE: Sole Source Letter

December 12, 2012

To Whom It May Concern:

The purpose of this letter is to confirm that **Stryker Medical is the sole source supplier for all Stryker patient care beds, stretchers and EMS parts and service.** The use of refurbished and/or parts not manufactured by Stryker voids any and all warranties and future recalls. Products must be repaired and maintained to manufacturer's specification by factory trained technicians.

All parts are either manufactured at Stryker or manufactured by an outside supplier specifically for Stryker products.

Please feel free to contact me with any questions.

Thank you,

Tom Tackabury
Stryker Service