

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

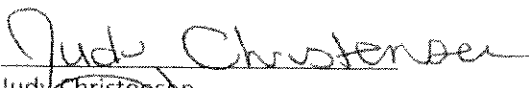
1. **Contracting Activity:** Department of Veterans Affairs, VISN 23, Minneapolis, 708 S 3RD ST SUITE 200E, MN 55415. 2237# 438-13-3-040-0468
2. **Nature and/or Description of the Action Being Processed:** This is a firm fixed price contract that will be awarded for the procurement of a Neoprobe at the Sioux Falls VAMC.
3. **Description of Supplies Required to Meet the Agency's Needs**

<u>Product Code</u>	<u>Description</u>	<u>Qty.</u>	<u>Unit</u>	<u>Unit of Measure</u>		<u>Price</u>
NPCU3	Neoprobe® GDS Control Module (includes software, requires power cord which is sold separately)	1	1	EA		\$30,449.00
NPB14A	14mm Angled Probe (use with Neoprobe® Bluetooth® System)	1	1	EA		\$13,759.00
NPR14	14mm Reusable Probe	1	1	EA		\$12,039.00
NPA76	14mm Reusable Probe Cable with Gray Plastic Probe Input Connector (use with neo2000)	1	1	EA		\$568.00
NPA71	Accessory Case	1	1	EA		\$116.00
NPE14	14mm External Collimator	2	1	EA		\$632.00
	Total Price					\$57,563.00

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
- ☐ (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;

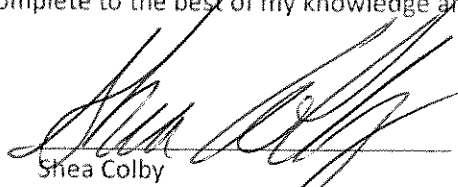
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The Sioux Falls VAMC owns a Mammotome brand Neoprobe that is over 10 years old. The current Neoprobe is outdated and no longer can be serviced or supported. Mammotome Neoprobe devices utilize gamma detection technology making the device more sensitive and ultimately improving the desired surgical procedure outcome. Other manufactures of similar devices do not utilize gamma detection technology making other available devices less sensitive and less effective. Purchasing a Neoprobe from another manufacturer would require the training of many staff and would be a costly process that could affect the quality of care that patients receive at the Sioux Falls VAMC. The Mammotome brand requested Neoprobe is currently being utilized across other VISN 23 Medical Centers and would allow Sioux Falls VAMC to operate a VISN 23 standardized device.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** GSA e-library (schedule 65 II A) was searched for the required Neoprobe. Research indicated that the required Neoprobe is only available from Mammotome. Mammotome manufactures the device and is the sole source of the device.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**
The contractor will provide the required Neoprobe to the Sioux Falls VAMC at the same or lower prices than their printed commercial price list. Prices will also be compared to past procurements to validate fair and reasonable pricing.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**
Based upon knowledge of the market place and the requirements of the surgical device outlined above, it is not cost effective or in the best interest of patient care to change to another brand of Neoprobe at this time, therefore no additional market research was conducted.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** No other sources solicited as this is a sole source procurement
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:** None.
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.


Judy Christensen
Nurse Manager
Sioux Falls VAHCS

9-3-13
Date

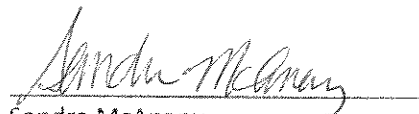
13. Approvals in accordance with FAR 6.304

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


Shea Colby
Contracting Officer
NCO 23 - Minneapolis

9/3/2013
Date

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


Sandra McAnany
Field Contract Manager,
NCO 23 - Minneapolis

9/3/2013
Date