DEPARTMENT OF THE NAVY
OFFICER IN CHARGE OF CONSTRUCTION
MARINE CORPS INSTALLATIONS WEST
BOX 555200 BLDG. 1160
CAMP PENDLETON, CALIFORNIA 92055-5200

J&A 13-15
N62473-10-C-0001

JUSTIFICATION AND APPROVAL FOR USE OF OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity: Department of the Navy, Officer in Charge of Construction, Marine Corps Installations West (OICC MCIWEST), Resident Officer in Charge of Construction (ROICC), Camp Pendleton, California.

2. Description of the Action Being Approved: Upon the basis of the following justification, a contract modification is planned under N62473-10-C-0001 with Clark/McCarthy A Joint Venture, 575 Anton Blvd, Suite 100, Costa Mesa, CA and will be negotiated without full and open competition pursuant to authority of 10 U.S.C. 2304 (c)(1) as implemented by the Federal Acquisition Regulation (FAR) 6.302-1. This procurement will result in a firm-fixed-price modification for the purchase and installation of "brand named" medical equipment. This justification requests approval to procure Logistics Category C (CAT C) operating room equipment that is compatible with existing equipment. This proposed action is estimated at approximately $756,634 (including HAR at 4.58%).

3. Description of Supplies/Services: Contract N62473-10-C-0001 is a firm-fixed price (FFP) Military Construction (MILCON) American Recovery and Reinvestment Act (ARRA) contract, currently in the amount of $445,202,290.00, with a contract completion date of 7 January 2014. Contract N62473-10-C-0001 is for the design and construction of the Replacement Naval Hospital (Project 71653) at Marine Corps Base (MCB), Camp Pendleton, California. The contract includes a planned modification for Furniture, Fixtures, and Equipment (FF&E), including medical equipment. Per the terms of the contract, the Contractor is required to solicit FF&E from Government Sources of Supply, such as Federal Supply Schedules. The equipment to be procured under this action is: seven (7) pneumatic pumps to inflate or deflate the patient's cavity; seven (7) arthroscopic fluid control devices to drain fluid during surgery; seven (7) surgical shaving control units with three arthroscopic surgical shaving devices (twenty-one total) for cutting of tissue and bone; seven (7) light sources consoles to provide light, via a fiberoptic light, to the surgical area inside the patient; seven (7) camera control units with three (3) cameras and camera lens couplers (twenty-one total) for transmitting live images of the surgical procedure.

4. Statutory Authority Permitting Other Than Full And Open Competition: The statutory authority permitting other than full and open competition is 10 U.S.C. §2304(c)(1), as implemented by FAR 6.302-1(a)(2), Only one responsible source and no other supplies or services will satisfy agency requirements.

5. Rationale Justifying Use of Cited Statutory Authority. As part of the base contract, Clark/McCarthy has purchased and installed approximately $800,000 worth of equipment booms and surgical lights in nine operating rooms. This procurement was competed among Stryker, Steris and Storz, with Stryker being the successful offeror. In September 2012, as

part of the planned modification for CAT C equipment, the Government procured the OR Integration and Media Management equipment (Joint Stock Number U0012) for $1,003,533. JSN U0012 equipment includes a touch panel HD video control system and real-time video conferencing technology that allows other medical professionals to view the procedure. The equipment covered by this justification should have been procured as part of that broad-based JSN, but these components were omitted. This procurement was also competed among Stryker, Steris and Storz.

The purchase of this equipment is determined to be within the scope of the contract. The Government's bridging documents and equipment lists were developed in 2009. The contract required the contractor to delay the purchase of medical equipment until as late as possible to allow the Government to receive the latest technology. Four years later, manufacturers have developed an integrated operating room suite which removes devices from carts on the floor to compact devices that are mounted to equipment booms. Seven of the nine Operating Rooms are required to have this arthroscopic surgical equipment, which can be mounted to the equipment boom, without requiring the use of mobile carts.

While other manufacturers produce similar equipment, using another manufacturer's equipment would degrade the overall quality of the integrated operating room, and result in duplication of costs. The use of another manufacture's camera equipment would not fully integrate with the HD video control and video conferencing devices that have already been procured, resulting in lower quality resolution; and would eliminate the ability to be operated remotely from the OR Integration and Media Management unit. Additionally, the hospital is relocating $240,000 worth of existing Stryker endoscopes, arthroscopes and laproscopes; all of which are compatible with the equipment covered by this justification. The use of any other brand of equipment would require the repurchase of the same brand of scopes. Competing this requirement would not result in a savings substantial enough to offset the cost of the new scopes.

Upon authorization of this action, the modification will state: "Notwithstanding any other provision of this contact, no other product will be acceptable."

Based on the above justification, it is in the Government's best interest to award the contract modification to Clark/McCarthy A Joint Venture for the purchase of these Stryker arthroscopic components.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable: There have been two previous opportunities for Operating Room Integration manufacturers to compete for the work at the Replacement Hospital, Camp Pendleton. Competing these components would not be in the best interests of the Government, as it would degrade the overall effectiveness of the total operating room and result in duplication of costs.

The planned action covered by this J&A meets an exception to the synopsis requirements per FAR Part 5.202 (a)(11). However, because this is a modification to an existing contract that is funded by the American Recovery and Reinvestment Act, a pre-award notice will be issued in accordance with Naval Facilities Engineering Command's internal guidance. A post-award notice will also be issued in accordance with Naval Facilities Engineering Command's internal guidance and FAR 5.705.

7. Determination of Fair and Reasonable Cost: The prices are determined to be fair and reasonable based upon a comparison of the offeror's quote to the pricing contained in the DLA MEDSURG contract, Contract SPM2DE-13-D-7603. The table below shows a comparison of the commercial list price and the DLA and current proposal pricing. This pricing results in a 48.2% discount off list price.

Stryker Part Number	Description	Qty	List Price	DLA/Proposal Price	Total List	Total DLA/Proposal
0620-040-610	PNEUMO SURE XL HIGH FLOW INSUFFLATOR	7	$16,444.00	$7,932.69	$115,108.00	$55,528.83
0350-600-001	FLOCONTROL ARTHROSCOPY PUMP (HAND CONTROL INCLUDED)	7	$16,027.00	$7,571.36	$112,189.00	$52,999.52
0375-708-500	PACKAGING, FORMULA 180 SHAVER (HAND CONTROL)	21	$10,740.00	$4,826.40	$225,540.00	$101,354.40
0475-000-000	CROSSFIRE CONSOLE	7	$19,570.00	$8,916.51	$136,990.00	$62,415.57
1488-010-000	1488 HD 3 CHIP CAMERA CONTROL UNIT (CCU)	7	$28,648.65	$14,324.33	$200,540.55	$100,270.31
0220-210-000	L9000 LIGHT SOURCE	7	$15,450.00	$7,159.76	$108,150.00	$50,118.32
1488-020-122	1488 C-Mount Coupler	21	$2,702.70	$1,351.35	$56,756.70	$28,378.35
1488-210-105	1488 Camera, C-Mount	21	$25,945.95	$12,972.98	$544,864.95	$272,432.58
	Total				$1,500,139.20	$723,497.88

8. Actions to Remove Barriers to Future Competition: This action constitutes a one-time purchase, and there are no known future requirements for this equipment at the Replacement Hospital, Camp Pendleton

CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION - I certify that the facts and representations under my cognizance which are included in this justification and its supporting Acquisition Plan (if applicable) and which a basis for this justification are complete and accurate. (FAR 6.303-1(b)).

LCDR ANGELA WEBSTER (760) 725-1159 13 May 13
Senior Health Facilities Planning Project Officer Date
Navy Medicine West Det Camp Pendleton

LEGAL SUFFICIENCY REVIEW - I have determined this Justification is legally sufficient based upon the representations and certifications of the Justification contained herein.

CHAMBERS.CHARLES.EDWARD.1170233065 Digitally signed by CHAMBERS.CHARLES.EDWARD.1170233065 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USN, cn=CHAMBERS.CHARLES.EDWARD.1170233065 Date: 2013.05.21 13:20:22 -07'00'

CHARLES CHAMBERS (619) 532-2507 Date
Associate Counsel
NAVFAC Southwest

CONTRACTING OFFICER CERTIFICATION - I certify that this Justification is accurate and complete to the best of my knowledge and belief.

HEPLER.WILLIAM.JOHN.1032800404 Digitally signed by HEPLER.WILLIAM.JOHN.1032800404 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USN, cn=HEPLER.WILLIAM.JOHN.1032800404 Date: 2013.05.14 05:45:44 -07'00'

WILLIAM J. HEPLER (760) 763-9833 Date
Contracting Officer
NAVFAC Southwest

CONTRACTING OFFICER CERTIFICATION - I certify that this Justification is accurate and complete to the best of my knowledge and belief.

CHRISTIANSON.ESTHER.E.1192373570 Digitally signed by CHRISTIANSON.ESTHER.E.1192373570 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USN, cn=CHRISTIANSON.ESTHER.E.1192373570 Date: 2013.05.21 13:35:08 -07'00'

21 May 2013

ESTHER E. CHRISTIANSON (760) 763-7343 Date
Director, Acquisition
OICC, MCIWEST, NAVFAC Southwest

COMMANDING OFFICER CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief.

22 MAY 2013

M. MEDVED (760) 763-7341 Date
Captain, CEC, US Navy
Commanding Officer, OICC, MCIWEST
NAVFAC Southwest

ECHELON IV CHIEF OF THE CONTRACTING OFFICER CERTIFICATION:

I certify that this Justification is accurate and complete to the best of my knowledge and belief.

Renae A. Kvendru 5/23/2013

RENAE A. KVENDRU (619) 532-2339 Date
Chief of Contracting
NAVFAC Southwest

APPROVING OFFICIAL (NFAS 6.304)

Upon the basis of the above justification, I hereby approve, the solicitation of the proposed procurement(s) described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304 (c)(1) (FAR Part 6.302-1)

30 May 2013

C.M. MAURER (619) 532-2317 Date
Captain, CEC, US Navy
Commanding Officer, NAVFAC Southwest