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GAO Dismisses Request for Reconsideration by ERBE Contractor, Supporting Previous Ruling in Favor of Bidder Offering US Medical Innovations, LLC's Product

TAKOMA PARK, Md.--(BUSINESS WIRE)--On May 6, 2013, the U.S. Government Accountability Office (GAO) dismissed a request for reconsideration of its recent decision regarding the award of a VA federal contract by the Department of Veterans Affairs (VA) in Veterans Healthcare Supply Solutions, Inc., B-407223.2, Dec. 13, 2012, 2012 CPD ¶ 3. The decision confirmed the GAO's previous ruling in favor of Veterans Healthcare Supply Solutions, Inc. (VHSS), a reseller of products produced by US Medical Innovations, LLC (Takoma Park, MD) (USMI).

"(FDA) conclusion that the proposed electrosurgical unit was substantially equivalent to the brand name unit"

In this decision against Metro Medical Equipment & Supply Inc. (Metro Medical), which offered products manufactured by ERBE Elektromedizin GmbH (Tubingen, Germany) (ERBE), the GAO explained, "Metro Medical's request for reconsideration fails to provide any material information that was not previously considered, nor does Metro Medical show that our prior decision contains any error of fact or law. Rather, Metro Medical merely repeats arguments it made previously and expresses disagreement with our decision." In that previous ruling the GAO relied, among other elements, on the "(FDA) conclusion that the proposed electrosurgical unit was substantially equivalent to the brand name unit" and therefore decided in favor of the USMI supplier.

Commenting on the decision, Alicia Woodley, Esq., VP of Marketing at USMI, stated, "This most recent GAO decision once again makes clear that USMI's electrosurgical unit SS-601MCa/Argon 4 Coagulator is substantially equivalent to ERBE's VIO 300D/APC 2, in combination with the FDA 510(k) premarket notification that USMI's Canady Plasma® Electrosurgical Unit Series/Plasma Coagulator and accessories (#K100669) is equivalent in intended use, technological characteristics, and performance characteristics to ERBE VIO 300D, ERBE ICC 200 and ERBE VIO APC2."

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