

DEPARTMENT OF VETERANS AFFAIRS  
FAR Part 6

Justification and Approval

For


Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 23, Fargo VA Health Care System 474 45<sup>th</sup> Street South Suite 202, Fargo, ND 58102 2237# 438-14-2-112-0237
2. **Nature and/or Description of the Action Being Processed:** The Sioux Falls VA is seeking to award a firm fixed price contract for a Ventana Medical Systems Inc. iView DAB Detection kit.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**  
This procurement for the following products serve to re-supply the Sioux Falls VA Laboratory for use in histology services. Item to be purchased as follows; iView DAB Detection kit x 2. Total estimated value: \$6,400.00
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):** The Sioux Falls VA Laboratory requires purchase of an iView DAB Detection kit. The item listed in #3 are proprietary to the manufacturer, Ventana Medical Systems Inc (large business). No other business sells Ventana brand products. All items serve as replacements for worn out/ used consumables within the Ventana Benchmark LT stainer located in the Sioux Falls, SD VA Laboratory. The Ventana Benchmark LT stainer must use Ventana brand parts. Reagents may be purchased from other vendors but require titration and Sioux Falls VAHCS does not have sufficient staff to support this. No other product/ product line of consumable parts that do not required titration will work with the Ventana Benchmark LT stainer.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Market research in GSA was performed. Ventana Medical Systems Inc. currently sells stainer systems on their active GSA contract, GS-24F-0043M. None of the products in this purchase (described in #3

above) are listed in the FSS contract. Past purchases from Ventana include the items listed in this purchase. Those products were purchased using a Justification and approval for other than full and open competition.

In an effort to seek out businesses that may offer products for use with the Ventana Stainer systems, the HPLC-ECD system was solicited on FEDBID Buy# 473596 for a period of five days. Of the 4565 sellers notified, only 111 responded with "no bid" on the solicitation. The solicitation resulted in no bids.

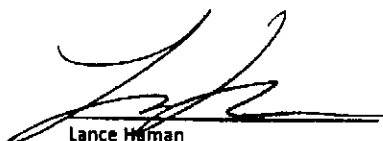
7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The contracting officer will determine the price to be fair and reasonable.
8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: FSS, GSA and NAC schedule contractors were queried. Only one business, a large business, was identified. The proprietary nature of the stainer system utilized by the Sioux Falls VA requires the same brand of products to be used. Market research demonstrated the required equipment is only available from one source, Ventana Medical Systems Inc.
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: Ventana Medical Systems Inc., 1910 East Innovation Park Drive, Tucson, AZ 85737-1962
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:  
The Ventana Stainer System and supporting products are proprietary to Ventana Medical Systems Inc. Future action regarding procurement for this system will remain much the same as market research conducted for this procurement. Searching for procurements and products within ECMS, GSA and FedBizOpps for distributors both on and off FSS schedule as well as similar products will be the focus of future market research. Referring back to this procurement (within ECMS) in the future will provide valuable pricing information. I have asked the Ventana Medical Systems Inc. representative to add their entire line of products to their GSA contract.
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.

  
Mary Bralby  
Laboratory Supervisor  
Sioux Falls, SD Veterans Administration

2/25/14  
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.

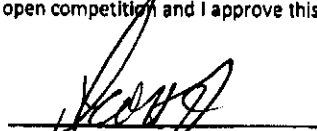


Lance Heman  
Contracting officer, NCO 23  
Fargo, ND Veterans Administration

2/25/2014

Date

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



Scott Petrin  
Facility Contract Manager, NCO 23  
Fargo, ND

3/3/2014

Date