

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

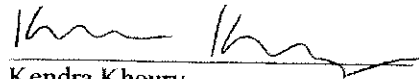
Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, Network Contracting Office 22, 4811 Airport Plaza Drive, Suite 600, Long Beach, California, 90815 as directed by VA Greater Los Angeles Healthcare System, Pathology and Laboratory Svc (113) will enter into a contract for the purchase request #691-14-2-2701-0056.
2. **Nature and/or Description of the Action Being Processed:** The VA Greater Los Angeles Healthcare System Pathology and Laboratory (113) has a requirement for breast cancer and cytogenetics supplies including specialized probes and various testing supplies.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The VA Greater Los Angeles Healthcare System Pathology and Laboratory (113) is requesting the procurement with Abbott Molecular for breast cancer and cytogenetics supplies. These items are required as it is the only type of supplies that can be used with the current platform which has been validated and supports direct patient care. The supplies are necessary to perform breast cancer and cytogenetics testing for diagnosis in support of direct Veteran patients at the VAGLAHS. Estimated Cost **\$158,360.51**
4. **Statutory Authority Permitting Other than Full and Open Competition:** (1) Citation: 10 U.S.C. 2304 (c) (2) or 41 U.S.C. 253 (c) (1). When the agency's need for the supplies or services required by the agency available from only one responsible source, ... , from only one or a limited number of responsible sources, and no other type of supplies or services will satisfy agency requirements, full and open competition need not be provided for.

(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 agency needs can be fulfilled by only one responsible source and no other supply will satisfy the agency requirements. Abbott Molecular Inc., a large business, is the only responsible source at this time to provide the required disposable products for the diagnosis of breast cancer and cytogenetics. Due to the proprietary nature of the product, this vendor is the only source who can fulfill this requirement at this time and no other vendors were found during market research to have the capability to provide the required product. Without the proper items, patient testing would be inaccurate, patient care

impacted and there would be possible loss of life consequences due to misdiagnosis. Therefore, it is in the best interest of the government to procure from the above vendor.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** *A notice will be publicized on Fed Bid Opps for this procurement per FAR 6.302-1.*
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable.** The anticipated cost to the Government of \$158,360.51 is considered fair and reasonable based on the IGCE of \$158,360.51 from Kendra Khoury, Program Assistant for Pathology and Laboratory Svcs (113), other Contracting Officer's knowledge, and the specific need of the requirement.
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 for this requirement. FSS vendors were surveyed and called for interest, but none were able to provide the needed supplies or were interested. A sources sought was released via FBO.gov to find alternative sources; however, the only response received was from the incumbent, Abbott Molecular Inc. They confirmed that they are the only source for the needed supplies and have no distributors at this time.
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:** There are no other sources that expressed, in writing, an interest in the acquisition except for the incumbent.
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:** It may be possible to compete future requirements if the current VA hospital is able to utilize a platform that is compatible with multiple vendors. The possibility will be discussed in the future to increase competition.
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.

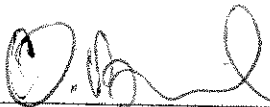


Kendra Khoury
Program Assistant
Facility: VAGLAHCS

3/7/14
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.



Oscar Becerril
Contracting Officer
Network Contracting Office 22

3/7/14
Date

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



Deeptichandra Chakka
Supervisor, Supply Team II
Network Contracting Office 22

3/7/14
Date