

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

Department of Veterans Affairs  
Network 15 Contracting Office  
5049 South 13th Street  
Leavenworth, KS 66048

The purchase request number is **766-14-2-400-0652**.

Items are to be delivered to the Charleston CMOP.

2. Nature and/or Description of the Action Being Processed: The Charleston-CMOP, 3725 Rivers Ave, Suite 2, North Charleston, SC 29405 Consolidated Mail Outpatient Pharmacy is requesting approval to purchase BRAND NAME-specific, NDC drug items. This is a new procurement and will be a firm fixed price contract. The total estimated value of brand name items is \$ [REDACTED]; the grand total including non-brand name items for this request is \$ [REDACTED] **The list below does not include all drug items included in this request, but only the brand name specific drugs.**

3. Description of Supplies/Services Required to Meet the Agency's Needs:

LINE ITEM 1: CHLORHEXIDINE GLUCONATE 0.12% (ALCOHOL-FREE) MOUTHWASH C1287

- NDC – 52376-0021-02 (NO SUBSTITUTES)
- Quantity and Description of request: 216-BT; 480 ML BOTTLE OF PAROEX
- Supplier: GUM SUNSTAR BUTLER
- The estimated Purchase Order value for this request for this item is \$ [REDACTED]

LINE ITEM 2: CHOLECALCIFEROL 50,000 UNIT ORAL CAPSULES C1356

- NDC – 53191-0362-01 (NO SUBSTITUTES)
- Quantity and Description of request: 156-BT; 100 COUNT BOTTLE OF D3-50
- Supplier: BIO TECH PHARMACAL
- The estimated Purchase Order value is for this request for this item is \$ [REDACTED]

LINE ITEM 4: NEPHPLEX RX TABLET N0449

- NDC – 59528-0317-01 (NO SUBSTITUTES)
- Quantity and Description of request: 120-BT; 100 COUNT BOTTLE NEPHPLEX RX
- Supplier: NEPHRO-TECH
- The estimated Purchase Order value is for this request for this item is \$ [REDACTED]

LINE ITEM 5: PROPYLENE GLYCOL 0.6% OPHTHALMIC SOLUTION P1000

- NDC- 00065-1433-02 (NO SUBSTITUTES)
- Quantity and Description of request: 10ML BOTTLE SYSTANE BALANCE RESTORATIVE FORMULA EYE DROP
- Supplier: ALCON
- The estimated Purchase Order value is for this request for this item is \$ [REDACTED]

LINE ITEM 6: SINUS RINSE NEILMED REGULAR KIT S0574

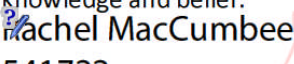
- NDC – 00592-8001-00 OR UPC- 7-05928-00100 (NO SUBSTITUTES)
- Quantity and Description of request: 1,200-KT; 1 KIT INCLUDES 1 SQUEEZE BOTTLE AND 50 PREMIXED PACKETS
- Supplier: NEILMED
- The estimated Purchase Order value is for this request for this item is \$ [REDACTED]

4. Statutory Authority Permitting Other than Full and Open Competition:  
Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1 (c) *Application for brand name description*: Brand name description application applies.
5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority): Within the VHA, physicians may prescribe brand name drugs when in their clinical judgment the brand name drug will provide a better therapeutic outcome for patients. Brand name drugs are requested when there is a clinical requirement for the drug. In this case, the brand specific drug name is requested on the list above.
6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable: The requesting pharmacy indicated this medication could be obtained from these three small businesses:

MILLANN LLC - SDVOSB  
5116 ROUNDTREE ST  
SHAWNEE, KS 66226-3877  
PH: 913 378-7284

DMS PHARMACEUTICAL GROUP INC  
810 BUSSE HWY  
PARK RIDGE, ILLINOIS 60068-2302  
PH: 847-518-1100

EMED MEDICAL COMPANY - SB  
12163 BRIDGETON SQUARE DRIVE  
BRIDGETON, MO 63044  
PH: 314 291-3633

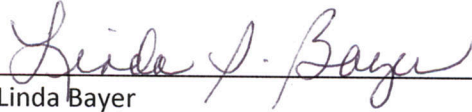
7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The Charleston-CMOP anticipates the cost to the Government will be fair and reasonable based on competition and comparison to recent prices paid by CMOP.
8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: After a search of the NAC & GSA websites, there are no available contracts for any of the items requested. Products to be acquired have been prescribed for patients by VA physicians. Pharmacy employees do not have the training and/or authority to countermand physician orders. "Brand Specific" products are the same thing as "dispense as written" on a physician prescription. No NDC substitutions are permitted. In the VA, Pharmacy Benefits Management (PBM) has determined that CMOP IDs in the National Drug File (NDF) will most always identify "brand specific" products in the VA Print Name. This is not always inclusive where a particular NDC has been determined to be "formulation specific" by clinical evaluation performed by the PBM or in the case where only one product in the marketplace has been identified to contain the specific ingredients to match the product code. A search of the Center for Veteran Enterprise Vendor Information Pages indicates there are no SDVOSB or VOSB vendors, which are engaged in the manufacture of pharmaceuticals. A query at the SBA Dynamic Search portal returned 44 possible small business vendors. However, these vendors are not engaged in manufacture, but are distributors for large business wholesalers. Because the Government is not allowed to do business using Wholesale Trade or Retail Trade NAICS codes, searches must be conducted using the manufacture NAICS code of 325412 Pharmaceutical Preparation Manufacturing.
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: N/A
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: At this time, the physician has stated the above mentioned name brand drugs are the only brands that will meet the specific needs of the patients; however, we are still competing this amongst distributors.
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.  
  
**541722**  
 Rachel MacCumbee  
 Inventory Manager  
 Charleston-CMOP

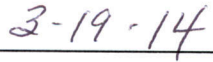
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Date 03/12/2014

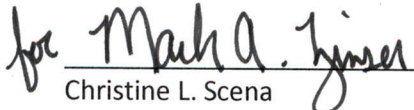
13. Approvals in accordance with FAR 6.304

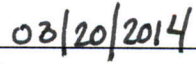
- a.) Contracting Officer's Certification: (required) I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
Linda Bayer  
Contracting Officer  
Network Contracting Office 15

  
Date

- b.) NCM/PCM : I certify the justification meets requirements for other than full and open competition.

  
Christine L. Scena  
Director of Contracting  
Network Contracting Office 15

  
Date

QA review  
Lori Kopacz  
Lori Kopacz  
3/20/14