

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 1, VAMC BHS, Boston, MA (MAVERIC/Research 151) 150 South Huntington Avenue Boston, MA 02130. The contracting activity is a request for Justification for Other Than Full and Open Competition.
2. **Nature and/or Description of the Action Being Processed:** This request is for the purchase of a Firm fixed price, multi-year service contract/agreement from TECAN for support on a TECAN EVO-2; 150 Base PM# EE127817 Serial # 1101007681; and INFINITE 200 PRO PM# ; Serial # 1101004087 located in MAVERIC Core Lab.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The contractor shall provide all resources necessary to successfully maintain, service, troubleshoot, fix, and/or repair the blood processing robot. Services will include preventative maintenance, calibration, correction of errors and crashes, and any other issues requiring the attention of a field specialist or engineer. Contractor shall maintain performance to the same level as when first installed. Cost of the service agreement is

Base Year 1 Total:		03/04/2014 to 03/03/2015
Option Year 1 Total:		03/04/2015 to 03/03/2016
Option Year 2 Total:		03/04/2016 to 03/03/2017
Option Year 3 Total:		03/04/2017 to 03/03/2018
Option Year 4 Total:		13/04/2018 to 03/03/2019

4. **Statutory Authority Permitting Other than Full and Open Competition:** Reference 41 USC §253(g), as implemented by FAR 6.302, Paragraph 1; Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

TECAN is a leading global supplier of automated products for laboratory applications throughout the life science and diagnostic markets. Their advanced and innovative technologies enhance the consistency and standards of our workflows, resulting in better quality and reliable data. The requested service and maintenance agreement for the Freedom EVO 200 will include the labor and materials for repair and replacement of components that will keep the Instrument in good working condition. Keeping the Instrument in good running condition is absolutely necessary to meet laboratory objectives. Service and maintenance of

the Instrument must be performed by TECAN for the following reasons:

- A custom configuration was created by TECAN specifically for the VA's application and as such the Instrument was setup by TECAN – including all software, hardware, and configuration. Knowledge of the Instrument and its application is critical to repair, maintain, service, and otherwise keep this Instrument in good running condition.
- TECAN does not provide or offer training to service technicians outside of TECAN to service or maintain TECAN products or does it have an authorized field service program. TECAN does not authorize any field service technician to repair or service TECAN products other than TECAN employees.
- Protected and proprietary software, code, hardware, prevent service by an unauthorized TECAN field service technician.
- Attempts to service, supply, or otherwise manipulate the system by any Technician other than an authorized TECAN technician shall void any warranties or agreements making any future repairs or service extremely difficult. TECAN has confirmed this [REDACTED]
- The VA fully understood the cost of doing business including both the capital purchase of the Instrument as well as the anticipated costs of maintaining such Instruments.

The laboratory is involved in large scale genomics projects that require processing of 1000's of samples per day – processing that is in part carried out by a Tecan EVO 200. The requested service support and maintenance is necessary to provide guaranteed performance of the Instrument.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

No other vendors were contacted for the reasons cited stated in the justification.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

In the absence of opportunities for competitive pricing, other benchmarks were used:

- 1) A letter from TECAN confirming we are being charged the same as other customers purchasing the same product. [REDACTED]
- 2) A historical comparison was made to the prices on two other TECAN maintenance purchases in VISN 1, [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED] this proportional price relationship gives credence to fair and

reasonable pricing on the current action.

- 3) Calculation of maintenance cost as a fraction of the cost of the Instrument. [REDACTED]

[REDACTED]

[REDACTED] This is
deemed fair and reasonable, especially for an item that includes "cutting edge"
technology.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

No other vendors were contacted for the reasons cited stated in the justification section. The MAVERIC Core Lab has been using the TECAN Instrument and protocols from the time of purchase and installation of this Instrument. As such, TECAN is the only vendor able to service, repair, inspect, or otherwise perform work on the Instrument.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

In addition to the technical descriptions and justifications noted above, it is important to recognize the reagents are involved in a very large scale and very high profile genomics study known as the Million Veteran Program (MVP). MVP is one of the transformative initiatives passed down by Secretary Shinseki for the VA to fulfill. Any impediments incurred while working on this project may result in profound repercussions for our service.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

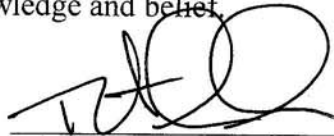
Te-Care Repair Contract
TECAN US, Inc.
9401 Globe Center Drive
Suite 140
Morrisville, NC 27560
E. mail: service.contracts@tecan.com


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 service and/or agency may be building a shadow lab at separate location in the future to perform similar processing. This would be a situation in which setting up separate processes and infrastructures at another location would allow the service and/or agency to consider more available options.

REQUIRING ACTIVITY: VAMC BHS Jamaica Plain, Boston, MA (MAVERIC/Research 151)
150 South Huntington Avenue Boston, MA 02130
PURCHASE REQUEST/TRANSACTION NUMBER: 523-14-2-9183-0074

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.


Name Robert Lundsten (COR) Date 2/20/2014
Title Director of Operations
Facility MAVERIC Biorepository


Small Business Review by Executive Official Date 2/20/14
Name Gregory Muldoon
Title Associate Center Director, Admin & Operations
Facility Boston CSPCC & MAVERIC

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.

Yolanda Cotten
422691

Digitally signed by Yolanda Cotten 422691
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0.9.2342.19200300.100.1.1=yolanda.cotten@va.gov,
cn=Yolanda Cotten 422691
Date: 2014.02.27 14:25:43 -05'00'

Name _____ Date _____
Title _____
Facility _____

- b. **One Level above Contracting Officer:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

gerald.jacobs@va.gov

Digitally signed by gerald.jacobs@va.gov
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Date: 2014.02.28 12:22:43 -05'00'

Name Gerald Jacobs Date _____
Title Supervisor, Specialty Team
Facility VISN1 Contracting