

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  
3450 S. 4<sup>th</sup> Street Trafficway  
Leavenworth, KS 66048

Justification and Approval for Other than Full and Open Competition  
The purchase request number is **764-14-3-077-0488**.  
Items are to be delivered to the Murfreesboro CMOP.

2. Nature and/or Description of the Action Being Processed: The Murfreesboro -CMOP, 5171 Sam Jarred Dr., Murfreesboro, TN 37130-1382 Consolidated Mail Outpatient Pharmacy is requesting approval to purchase BRAND NAME specific Medtronic items. This is a new procurement and will be a firm fixed price contract. The total estimated value for this request is \$19,794.00

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

Infusion Minimed #MMT-396

- NDC – 76300-0396-10 (NO SUBSTITUTES)
- Quantity and Description of request: 10/BX, requesting 200 boxes
- Supplier: Medtronic

This is a one-time buy estimated at \$19,794.00 and expected to be delivered by April 30, 2014.

4. Statutory Authority Permitting Other than Full and Open Competition: 41 USC §253(g), as implemented by FAR 6.302.

(X) (1) 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 are specifically writing for these brand name medical supplies to work with the patients Medtronic brand insulin pumps. These supplies are not interchangeable with the Animas products that are found on FSS. The patient is not guaranteed to receive the correct dose of insulin if using another brand other than what matches their pumps, which could be life threatening. No other suitable substitutions have been found.

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:

3T Federal Solutions - SDVOSB  
6013 TECHNICAL CENTER DR STE B  
AUSTIN, TX 78721-2324  
PH: 888-738-6723

Marathon Medical - SDVOSB  
3251 LEWISTON AVE  
AURORA, CO 80011-1530  
PH: 303-339-4305

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

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable: The Murfreesboro-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: The requested item have a like or similar item found on the NAC but a FSS waiver has been obtained due to brand specific description. Medtronic is a large business; however, this item has been purchased by the VA on multiple occasions from small business vendors to include the potential sources above. 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 item is the only brand that will meet the specific needs of the patients; however, we are still competing this amongst distributors.